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Measures to eliminate international terrorism

Measures to eliminate international terrorism

Report of the Secretary-General

Summary

The present report has been prepared pursuant to paragraph 8 of General Assembly resolution 50/53, as read together with Assembly resolution 65/34 on measures to eliminate international terrorism. In sections II.A and B, the report contains information on measures taken at the national and international levels, based on submissions from Governments and international organizations. Section III contains a list of international legal instruments. Section IV provides information on workshops and training courses on combating crimes connected with international terrorism.

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I. Introduction

1. The present report has been prepared pursuant to General Assembly resolution 50/53, as read together with resolution 65/34.

2. The attention of all States was drawn to General Assembly resolution 49/60 and the Declaration on Measures to Eliminate International Terrorism annexed thereto and they were requested to submit, by 31 May 2011, information on the implementation of paragraph 10 (a) of the Declaration. Section II.A below contains summaries of replies received.

3. Relevant specialized agencies and other relevant international organizations were also invited to submit, by 31 May 2011, information or other pertinent material on the implementation of paragraph 10 (a) of the Declaration. Section II.B contains summaries of replies received.

4. Owing to internal controls to ensure strict compliance with General Assembly resolutions on word limits in parliamentary documents issued by the Secretary-General, summaries of the replies focus on matters referred to in paragraph 10 of the Declaration, in particular (a) a collection of data on the status and implementation of existing multilateral, regional and bilateral agreements relating to international terrorism, including information on incidents caused by international terrorism and criminal prosecutions and sentencing, and (b) a compendium of national laws and regulations regarding counter-terrorism.

II. Measures taken at the national and international levels regarding the prevention and suppression of international terrorism and information on incidents caused by international terrorism

A. Information received from Member States

5. **Algeria** noted that, on its initiative, the African Union had, on 3 July 2009, adopted decision 256 (XIII), by which it condemned the payment of ransom to terrorist groups. Algeria also reported that it had consolidated its partnerships with various United Nations and other entities, including providing material and financial support for the organization of meetings, workshops and training sessions within the African Centre for Studies and Research on Terrorism.

6. In view of dangerous developments in the Sahel-Saharan subregion, owing to the emergence of terrorists acting under the banner of Al-Qaida (Al-Qaida in the Islamic Maghreb) who took hostages for ransom or in exchange for the release of other terrorists, as well as a rise in the trafficking of arms, drugs and people in the subregion, Algeria organized a ministerial meeting of the countries of the Sahelo-Saharan region on security and development, on 16 March 2010, in Algiers. The participating countries agreed on a series of political, security and economic measures to address the threats. The subregional efforts led to the establishment, on 21 April 2010, at Tamanrasset, Algeria, of the Joint Operational Chiefs of Staff Committee (Algeria, Mali, Mauritania and Niger), together with the formation in Algiers of a liaison unit to facilitate information-sharing and processing.

7. As at 31 March 2011, **Argentina** reported that it was party to 12 universal counter-terrorism instruments and one regional instrument. It had signed, pending legislative approval, the 2005 International Convention for the Suppression of Acts of Nuclear Terrorism and the 2005 Amendment to the Convention on the Physical Protection of Nuclear Material. The 2010 Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation, the 2010 Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft, the Protocol of 2005 to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, and the Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf were pending signature. Argentina had also signed an Agreement concerning Cooperation to Prevent the Illicit Trafficking in Nuclear and Other Radioactive Materials (Megaports Agreement) with the United States of America in April 2010, with the goal of working jointly to reduce the risk of illicit trafficking in nuclear and other radioactive materials.

8. Argentina has also taken measures to implement, by relevant decrees, Security Council resolutions 1267 (1999), 1333 (2000), 1373 (2001), 1390 (2002) and 1452 (2002). Decree 1521, of 1 November 2004, allows the promulgation, by means of ministerial resolutions, of any resolutions of the Security Council adopted under Chapter VII of the Charter of the United Nations, and any amendments thereof, as well as the lists of persons or entities subject to sanctions as determined by the Security Council.

9. Argentina has created the Office of the Special Representative for Matters concerning Terrorism and Related Offences within the Ministry of Foreign Affairs (by ministerial resolution No. 187 of 7 February 2002), to coordinate the relevant policies, actions and measures to implement Security Council resolution 1373 (2001) and related resolutions that may be adopted within the United Nations, as well as actions within regional frameworks.

10. Act No. 25246 on concealment and laundering of the proceeds of criminal acts (April 2000), amended by Decree 1500/01 and by Acts Nos. 26087, 26119 and 26268, and regulated by Decrees 169/01 and 1025/01, created the Financial Intelligence Unit, within the Ministry of Justice, Security and Human Rights. The Unit analyses, processes and communicates information to prevent the laundering of assets derived from various crimes, including the illegal trafficking of narcotic drugs and the financing of terrorism. Act No. 26268 on unlawful terrorist association and the financing of terrorism (June 2007) expanded the Unit's mandate to include analysis of operations to finance terrorism.

11. Act No. 26268 amended the Criminal Code by introducing the concept of unlawful terrorist association. The offence is subject to a penalty of confinement or imprisonment of 5 to 20 years (art. 213 ter of the Criminal Code). The Act also establishes, as an offence, the provision of financing to an unlawful terrorist association or to any of its members, regardless of whether the intended crime is committed. The penalty is 5 to 15 years' imprisonment (art. 213 quater of the Criminal Code).

12. In order to consolidate management of security and provide leadership in the fight against crime, including terrorism, the National Ministry of Security was created in December 2010, comprising the four federal security and police

institutions (Argentine Coast Guard, Argentine National Gendarmerie, Airport Security Police and Argentine Federal Police).

13. **Bahrain** reported that it was party to 11 universal and 2 regional counter-terrorism instruments. It also reiterated the information on the enactment of several pieces of national legislation in the areas of counter-terrorism and anti-money-laundering in document A/63/173 (paras. 17-22). The following laws criminalize acts prohibited under international conventions to which Bahrain is a party: the Penal Code enacted by Decree-Law No. 15 of 1976 and its amendments; the Law on Explosives, Arms and Munitions enacted by Decree-Law No. 16 of 1976; the Law on Civil Aviation enacted by Decree-Law No. 6 of 1995, in particular articles 108, 110, 124, 125 and 126 thereof; the Law on combating and suppressing money-laundering enacted by Decree-Law No. 4 of 2001; and the Code of Criminal Procedure enacted by Decree-Law No. 46 of 2002.

14. **Colombia** reported that it was party to nine universal counter-terrorism instruments and was working to achieve full compliance with the international counter-terrorism legal framework by taking important steps to ratify the instruments to which it was not party. It also reiterated its commitment to abide by its obligations under Security Council resolutions 1267 (1999), 1373 (2001), 1540 (2004) and 1624 (2005). Moreover, Colombia has entered into several bilateral cooperation mechanisms and contributed to the efforts of the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime.

15. Colombia has continued to build its institutional infrastructure in order to strengthen its capacity to prevent and respond to the threat of terrorism, including by implementing the Integral Policy of Safety and Defence for Prosperity. In this regard, by article 16 of Law 1121 of 2008, it has amended article 345 of Law 599 of 2000 to include the crime of "financing of terrorism" and "management of resources related to terrorist activities". Pursuant to the provisions of article 16 of Law 1121 of 2008, for the conduct to be considered a crime, it suffices to prove the financing of the terrorist person or group; the actual perpetration of the terrorist act is not required.

16. Colombia has also developed the Integral Policy in Human Rights and International Humanitarian Law, describing the guidelines and setting the goals to be followed by the armed forces and the police in human rights and international humanitarian law while countering terrorism.

17. **Cuba** reported that it was party to 13 universal counter-terrorism instruments and fully complied with its obligations under Security Council resolutions 1267 (1999), 1373 (2001) and 1540 (2004). It has signed 35 agreements on legal assistance with other countries and reiterated its willingness to cooperate with any State in that regard, including the United States, which it called upon to act against those who had committed terrorist acts against Cuba from within the United States territory and to set free the five Cuban anti-terrorist fighters who were currently detained in the United States. Cuba reaffirmed that it did not possess, nor did it have any intention of possessing, weapons of mass destruction of any kind. It complies with its obligations under the international instruments on nuclear, chemical and biological weapons to which it is party.

18. Cuba reiterated that on 20 December 2001 it adopted Act No. 93 on counter-terrorism. It has adopted measures to prevent and suppress terrorist activities,

including financing of terrorism and arms-trafficking. Moreover, following the adoption of Security Council resolutions 1267 (1999), 1373 (2001) and 1540 (2004), it tightened its already strict border surveillance. It also regularly informs its consulates and other competent authorities of updates to the Consolidated List maintained by the Security Council sanctions committees.

19. Cuba reiterated the information contained in document A/65/175 (paras. 18-20). In addition, upon the request of the Government of Colombia, the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army, it participated in the peace process between the Government and the guerrilla forces. Since 1959, Cuba has been the victim of terrorist acts which have claimed the lives of 3,478 Cuban nationals and left 2,099 maimed. The most notorious and horrific incident was the bombing of a Cubana airlines jet in mid-air on 6 October 1976, killing 73 passengers. This was the first terrorist act against civil aviation in the western hemisphere. One of its perpetrators, Orlando Bosch Ávila, died peacefully in the United States, where he lived in complete freedom and enjoyed impunity after being granted a pardon in the United States.

20. The **Czech Republic** reported that it had deposited its instrument of acceptance to the 2005 Amendment to the Convention on the Physical Protection of Nuclear Material on 30 December 2010. In the framework of the European Union, the Agreement between the European Union and Japan on mutual legal assistance in criminal matters entered into force on 2 January 2011 and the Agreement between the European Union and the United States of America on the processing and transfer of financial messaging data from the European Union to the United States for the purposes of the Terrorist Finance Tracking Program entered into force on 1 August 2010. At the bilateral level, the agreement with Bulgaria on cooperation in combating crime, including terrorism, entered into force on 9 March 2011 and with the former Yugoslav Republic of Macedonia on 1 March 2011. Moreover, the agreement with Serbia on police cooperation in combating crime was signed in Prague on 17 December 2010 and will enter into force once both parties complete their ratification processes. An agreement on the same subject, replacing the 1977 inter-ministerial Agreement, was negotiated with the Russian Federation and is expected to be signed soon.

21. Concerning national legislation, the Czech Republic reiterated the information concerning the new Criminal Code (Act No. 40/2009) (A/65/175, para. 23), noting also that the Code contained other crimes connected with terrorist activities such as common danger, endangering the safety of an aircraft or civil vessel, unlawful taking of an aircraft abroad, sabotage, damage and endangerment of public utilities, murder, taking of hostages, extortion, illegal armament or possession of arms, illegal manufacturing and possession of nuclear and hazardous substances, and spreading of untrue alert messages.

22. The Criminal Procedure Code (Act. No. 141/1961, as amended) stipulates the procedural powers of the law enforcement authorities in cases of terrorism. The police may also use powers pursuant to the Act on the Police (Act No. 273/2008, as amended) even before the investigations start formally.

23. In 2010 and 2011, there were no incidents of international terrorism reported in the Czech Republic. In April 2011, seven adherents of the Dagestan-based radical Islamic Salafist organization, Jamaat Shariat, were arrested in the Czech Republic, accused of falsifying travel documents and money, as well as organizing weapons

and explosives to support terrorists in the northern Caucasus region. Their prosecution has been initiated. Two other members of the group were investigated in Germany. Also in April 2011, a national of Pakistan, a suspect of terrorism and murder in Pakistan, was arrested in the Czech Republic, on the basis of an international arrest warrant issued by Pakistan. The individual has sought asylum in the Czech Republic and there is no information available that he would carry out any terrorist activity in the Czech Republic. A Czech court will decide on his extradition to Pakistan, on the request of the authorities in Pakistan. No person was sentenced in relation to international terrorism in the reporting period.

24. **Denmark** reported that it had amended the Criminal Code and the Administration of Justice Act in 2010 to introduce a legal basis for secret confiscation if crucial to the investigation of an offence subject to public prosecution; it became effective on 1 January 2011. Late in 2010, Security Council resolutions 1267 (1999) and 1373 (2001) were implemented in Greenland and the Faroe Islands after close cooperation between the relevant Danish, Greenland and Faroese authorities.

25. In a judgement of 15 March 2010, the spokesperson of the organization Opror ("Rebellion") was convicted of violation of section 114.b of the Criminal Code regarding the financing of terrorism. The spokesperson had contributed to the collection of money for FARC and PFLP, as well as attempts to transfer the money. In addition, he had attempted to collect funds with a view to providing financial support to organizations committing acts of terrorism.

26. In July 2010, charges were brought against a person for, inter alia, attempt of terrorism in respect of an attack on 1 January 2010 on the newspaper cartoonist Kurt Westergaard. The accused, who was armed with an axe and a knife, gained entry to the home, where he tried to break through the door to a specially secured room in which Westergaard had locked himself. By a judgement of 4 February 2011 the accused was convicted, inter alia, of attempt of terrorism in the form of manslaughter and sentenced to nine years of imprisonment in total. The judgement has been appealed to the High Court.

27. On 24 September 2010, the Prosecutor's office charged Roj-TV A/S and Mesopotamia Broadcast A/S METV for violation of section 114.e of the Criminal Code for repeated broadcasting of television shows and spots with interviews with PKK sympathizers and leaders and reports of the fighting between Kurdish and Turkish authorities aiming to promote PKK activities.

28. On 31 May 2011 a person was convicted of attempt of terrorism and sentenced to 12 years' imprisonment and permanent expulsion from Denmark. He accidentally ignited a bomb intended for the newspaper *Jyllands-Posten* at a hotel in central Copenhagen. He now has four weeks to decide if he wants to appeal the judgement.

29. **El Salvador** reported that it was party to 13 universal and 2 regional counter-terrorism instruments.

30. Under its Constitution, treaties can be applied directly by the courts because they are considered to be an integral part of domestic law. Moreover, all treaties, including those relating to international terrorism, are applicable throughout El Salvador and take precedence over domestic law in the event of a conflict of implementation.

31. El Salvador amended its Special Law against Terrorist Acts to enhance the scope of oversight duties conducted by financial institutions to include the monitoring of assets and transactions not only of persons on internationally wanted lists but also of those suspected of or with reasonable suspicion of having an illicit purpose and whose acts are related to the financing of terrorism. The amendment also broadened the characterization of acts of terrorism to include acts committed with weapons, explosive devices or substances, chemical, biological or radiological agents, weapons of mass destruction, or similar items and added possible targets, to include the protection of public transportation units and terminals. In addition, it opened the possibility of sharing the information gathered at the national and international level.

32. El Salvador also reiterated the information provided in document A/65/175 (paras. 26-28).

33. **Estonia** reported that it was party to 12 universal counter-terrorism instruments. It was also preparing to ratify the International Convention for the Suppression of Acts of Nuclear Terrorism. Estonia is party to other multilateral and regional instruments on organized crime and terrorism, including the United Nations Convention against Transnational Organized Crime, the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, as well as the European Convention on the Suppression of Terrorism and its amending Protocol. Consistent with its Code of Criminal Procedure, Estonia is also party to or has concluded international agreements on international cooperation in criminal matters, including extradition and mutual assistance, concluding 20 bilateral instruments in that regard.

34. Its legislation enables the full implementation of the Security Council resolutions concerning the fight against terrorism. It has taken all necessary measures to comply with Security Council resolutions 1333 (2000), 1373 (2001), 1390 (2002) and 1624 (2005). Estonia fulfils its reporting obligations to the Counter-Terrorism Committee and the sanctions Committee concerning Al-Qaida and the Taliban.

35. All relevant Estonian legislation is in full conformity with international law. The main components of Estonia's legislative framework for combating terrorism comprise the Penal Code; the Criminal Procedure Act; the Money-Laundering and Terrorist Financing Prevention Act; and the International Sanctions Act. Terrorism, financing in support of acts of terrorism, actions leading to the perpetration of an act of terrorism, preparation of and incitement to acts of terrorism, membership of a terrorist organization are, for example, offences under the Penal Code. The Money-Laundering and Terrorist Financing Prevention Act essentially harmonizes Estonian legislation with the requirements of Directive 2005/60/EC of the European Parliament and of the Council of the European Union of 26 October 2005 and Commission Directive 2006/70/EC, laying down implementing measures for Directive 2005/60/EC. The International Sanctions Act establishes a more precise legal basis for enacting measures necessary for the adoption of international sanctions, thereby making it easier for Estonia to fulfil its international obligations.

36. In **Germany** the Federal Office for the Protection of the Constitution on 19 July 2010 set up a telephone hotline with a view to assisting radicalized individuals to extricate themselves from their extremist environment; guidance therefor is offered on a strictly confidential basis.

37. Moreover, a procedure is under way to review two legislative packages on counter-terrorism, whose review is due in 2011: the Terrorismusbekämpfungsgesetz (1 January 2002) and the Terrorismusbekämpfungsergänzungsgesetz (10 January 2007).

38. On 19 February 2010 the Financial Action Task Force submitted its report on mutual evaluation of Germany conducted from 15 May to 6 June 2009; its observations were taken into account and are, as applicable, transferred into legislative or administrative measures.

39. **Hungary** reported that it was party to 13 universal counter-terrorism instruments, and it had on 21 March 2011 deposited its instrument of ratification to the European Convention on the Prevention of Terrorism, bringing to 10 the number of instruments on terrorism and related matters it has ratified within the context of the Council of Europe. Work is currently under way in Hungary to enable the ratification of the remaining instruments.

40. Hungary is also party to the 2005 Treaty of Prüm and the 1999 Agreement on Cooperation to Prevent and Combat Trans-border Crime in the framework of the Southeast European Cooperative Initiative. It also has bilateral agreements on cooperation to fight against terrorism, organized crime and illicit trafficking of drugs with Albania, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, China, Croatia, Cyprus, the Czech Republic, Egypt, Estonia, France, Greece, Ireland, Israel, Italy, Jordan, Kazakhstan, Kuwait, Latvia, Lithuania, Malta, Morocco, the Netherlands, Poland, Romania, the Russian Federation, Serbia, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Tunisia, Turkey, Ukraine, the United Kingdom, the United States and Viet Nam.

41. The Counter-Terrorism Centre was established on 1 September 2010, pursuant to Act XXXIV of 1994 on the police, to be responsible for intelligence work countering terrorist organizations active in Hungary.

42. To date, there have been no criminal prosecutions, cases of international assistance in criminal matters or extraditions relating to acts of international terrorism in Hungary.

43. On 7 October 2010, three armed men tied, beat up, robbed and abducted three persons from a residence of UNAMID personnel in Security Zone C of El Fasher (Sudan) including a Hungarian, Istvan Papp, who was left behind while the two others jumped out of a moving car. Actions were taken by the United Nations, Hungarian and Sudanese authorities, and subsequently the Crisis Management Centre of UNAMID (El Fasher) established contact and conducted negotiations with the hostage takers, leading to the release of Mr. Papp on 5 January 2011.

44. **Indonesia** reported that it was party to seven universal counter-terrorism instruments and reiterated the information given in document A/65/175 (para. 37). It has also ratified the ASEAN Treaty on Mutual Legal Assistance in Criminal Matters. It has signed the ASEAN Convention on Counter-Terrorism and is in the process of ratifying it. It also signed with India a mutual legal assistance and extradition agreement in January 2011 and, currently, both countries are in the process of ratification. Under the anti-money-laundering and combating the financing of terrorism regime, Indonesia has established 39 memorandums of understanding with other foreign financial intelligence units as at June 2011.

45. Indonesia has strengthened cooperation bilaterally pursuant to memorandums of understanding signed with the Russian Federation (2007) and India (2004) and arrangements with Canada (2004). It is also in the process of finalizing memorandums of understanding with Georgia on cooperation in combating crime. Indonesia and the European Union signed a framework agreement on comprehensive partnership in November 2009. The Indonesian National Police has cooperative arrangements with the Philippines National Police and the FBI. The National Police is in the process of finalizing a memorandum of understanding on preventing and combating transnational crimes and capacity-building with the Namibian National Police and with the Office of the Attorney General of Mexico.

46. In order to improve its legislation, on 22 October 2010, Indonesia adopted a new anti-money-laundering law, Law No. 8 (2010) concerning Prevention and Eradication of Money-Laundering Crime, and, in May 2011, a new Law on Immigration, Law No. 6 (2011), which considers among others the increasing threats posed by international and transnational crimes. It is also currently in the process of revising the Anti-Terrorism Law, Law No. 15/2003, considering the detention period of terrorism suspects, and several aspects of criminalization. Indonesia was also continuing the drafting of legislation on terrorist financing.

47. To strengthen its institutional capacity, Indonesia established the National Counter-Terrorism Agency on 16 July 2010. The new Agency has an important role in formulating policy, strategy and national programmes in the area of counter-terrorism.

48. **Jamaica** reported that it was party to 13 universal and 2 regional counter-terrorism instruments. It is taking steps to implement the 2005 Amendment to the Convention on the Physical Protection of Nuclear Material; the Protocol of 2005 to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation; and the Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf. It has also taken measures to implement Security Council resolution 1373 (2001), and entered into bilateral and regional agreements and other arrangements on mutual assistance in criminal matters and extradition.

49. It has enacted legislation to implement its obligations under the instruments to which it is party, including the Aircraft (Tokyo, Hague and Montreal Conventions) Act 1984; the Terrorism Prevention Act 2005; the Proceeds of Crimes Act and Regulations 2007; the Bank of Jamaica (Amendment) Act 2004; the Interception of Communications Act; the Terrorism Prevention (Amendment) Act 2010; the Terrorism Prevention (Reporting Entities) Regulations 2010; the Terrorism Prevention (Amendment) Act 2011; and the Extradition and Mutual Assistance Act. For example, the Terrorism Prevention Act criminalizes any activity or contribution to such activity that enables terrorists to carry out terrorist activities (including funding, financing, transport, lodging, safe haven, member recruitment, supply of weapons); and provides for strong penalties in cases of non-compliance, including the imposition of a life sentence where required and the imposition of a restraint order on the assets of the person accused of a terrorist activity, whether convicted or when charged but reasonably suspected of having committed the offence. Actions are currently being taken to further strengthen the ability of the Government under the Act to declare entities designated as terrorist entities by the Security Council as terrorist entities under Jamaican law. The Act also permits Jamaican courts to extend their jurisdiction

over persons responsible for terrorist offences outside of Jamaica (whether a Jamaican or a foreigner) once such a person is found within the State and such an offence is a terrorist offence under Jamaican law. The Proceeds of Crimes Act and Regulations 2007 provide for certain crimes to constitute a predicate offence for money-laundering charges, bringing into effect anti-money-laundering regulations and including the financing of terrorism as a predicate offence under Jamaican law.

50. Jamaica has also instituted various measures and mechanisms at the national level to ensure implementation of national counter-terrorism legislation and policies. For example the Financial Investigation Division, established in 2002, had its mandate expanded in 2009 to include detection and deterrence of terrorist financing activities in line with the Terrorism Prevention Act. Jamaica also established the National Counter-Terrorism Council, which is under the Direction of the Prime Minister. It has the National Intelligence Bureau, as well as the Transnational Crime and Narcotics Division. Jamaica maintains a strict arms regime, employs watch lists and other screening procedures, has early warning arrangements and information exchange systems, and monitors closely cross-border movements, including a focus on maritime security. It also has a comprehensive refugee policy which allows the State to deny refugee status to persons who have engaged in terrorist activities.

51. **Lebanon** noted that its Council of Deputies approved the 1998 Arab Convention on the Suppression of Terrorism, and authorized the Government to ratify it.

52. Its Penal Code, as amended by Law No. 11 of January 1958, defines, in article 314, terrorist acts as: "Acts designed to create a state of alarm which are committed by means such as explosive devices, inflammable materials, poisonous or incendiary products or infectious or microbial agents likely to create a public hazard." Any terrorist act is punishable by hard labour for life and by the death penalty if it causes the death of a person or the whole or partial destruction of a building in which there are people, or when it causes the destruction, albeit partial, of a public building, an industrial institution, a ship or other installation, or the breakdown of means of communication or transportation.

53. Law No. 318 of 2001, together with its subsequent amendments, addresses money-laundering and financing of terrorism. Under this Law, illegal funds include those derived from drugs and other activities, as well as terrorist crimes. The Law also establishes, within the Central Bank, the Special Investigation Commission, an independent, judicial entity, whose activities are not subject to the authority of the Bank. It is empowered to investigate money-laundering operations and oversees constraints against assets and the measures provided for in the law.

54. Lebanon participates extensively in international cooperation to detect terrorist cells by exchanging information with relevant States through INTERPOL or other international legal institutions. In particular, Lebanon cooperates with Arab States in implementing the 1997 Arab Counter-Terrorism Strategy, as well as the 1998 Arab Convention on the Suppression of Terrorism.

55. The responsibility for investigating crimes or conspiracies of a terrorist nature and for pursuing, apprehending and bringing to justice their perpetrators, planners or participants rests with the Counter-Terrorism and Serious Crime Division of the judicial police unit established pursuant to Law No. 17 of 16 September 1990, initially as an office and in 2008 as a Division, within the Directorate General of

Internal Security Forces. The Counter-Terrorism and Surveillance Division within the Ministry of National Defence has similar functions.

56. The Lebanese security apparatus has been successful in combating extremist and terrorist organizations and groups and has tracked down a large number of perpetrators of terrorist crimes. Through ongoing investigations, it is endeavouring to find other criminals who have committed terrorist crimes against humanity and the Lebanese people or on Lebanese territory and terrorists who are linked to regional and international networks.

57. **Liechtenstein** reported that it was party to 16 universal counter-terrorism instruments.

58. Two suspicious activity reports related to suspect terrorist financing were filed with the competent authority, the financial investigation unit, and both were forwarded to the Prosecutor's Office, and this led to bilateral cooperation with the country concerned.

59. **Mexico** reported its interest in adhering to the Council of Europe Convention on Cybercrime; it held a regional workshop on cybersecurity in August 2010 to demonstrate the current status of its activities in that area and took note of the requirements for adherence to that instrument.

60. Mexico also worked to introduce amendments to its national legislation related to terrorism and its financing in order to make it compatible with the international legal framework.

61. It also continued national efforts to strengthen its capacity to prevent and respond to the threat of terrorism. It provided detailed information on the various steps taken in the areas of public security, border control and maritime, airport, rail and multimodal transport security. In particular, Mexico has modified and updated the proceedings for evaluation and authorization of instructions of safety in civil aviation. In order to develop a national strategy of cybersecurity, Mexico established the Technical Group specialized in information safety, responsible for the coordination of cybersecurity activities.

62. Mexico has also joined the four international regimes to restrict trade in nuclear, chemical and biological weapons and their vector systems, namely, the Wassenaar Arrangement, the Missile Technology Control Regime, the Nuclear Suppliers Group and the Australia Group. In February 2010, it adopted the principles of the Global Initiative to Combat Nuclear Terrorism and participated in its plenary session in Abu Dhabi in June 2010. As part of its strategy to prevent emergent threats, Mexico has developed the first institutional group with staff specialized in first response to events with chemical agents of war and toxic industrial chemicals. Further, Mexico is in the process of developing and establishing national and international protocols for the exchange of information and better practices in the detection of special nuclear material and radioactive isotopes.

63. In view of the XVI Pan American Games, to be held at Guadalajara in October 2011, Mexico has organized activities and training intended to improve the national pre-emptive and response capacity, as well as inter-institutional coordination in case of potential incidents.

64. **New Zealand** reiterated the information set out in document A/65/175 (paras. 56, 58 and 59). New Zealand continues to convene and co-chair the Pacific Forum

Working Group on Counter-terrorism. In South Asia, it provided funding to the Asia/Pacific Group on Money Laundering to carry out its technical assistance coordination and training programmes in the region. It also continued to be an active participant in a range of multinational initiatives to combat terrorism, including the Global Initiative to Combat Nuclear Terrorism and the Proliferation Security Initiative.

65. New Zealand had nothing to report concerning incidents caused by terrorism, or criminal prosecutions and sentencing.

66. **Panama** reported that it had ratified 15 universal counter-terrorism instruments. In accordance with the international legal framework, including the corresponding instruments and resolutions of the General Assembly and Security Council, it has strengthened its legislation, increased its international cooperation in order to prevent, eliminate, combat and punish terrorist acts, and it does not offer assistance or refuge to those who commit, advocate or participate in terrorist activities. On 9 September 2010, the Ministry for Foreign Affairs requested the United Nations Office on Drugs and Crime to provide legislative assistance in order to update the criminal legislation on matters relating to terrorism.

67. In February 2011, an Inter-Agency Counter-Terrorism Commission, to be responsible for verifying compliance with Security Council resolutions and with the international counter-terrorism conventions ratified by Panama, was established.

68. Concerning financing of terrorism, the High-level Presidential Commission responsible for strengthening preventive measures by extending the reporting obligation to additional entities and implementing internal monitoring procedures held its first meeting on 14 October 2010. The financial investigation unit for the Prevention of Money-laundering and the Financing of Terrorism submitted to the Commission a proposal to include non-profit non-governmental organizations as reporting entities. Moreover, the Trade Transparency Unit was established within the National Customs Authority to identify commercial transactions related to money-laundering and the financing of terrorist groups.

69. Panama is also engaged in the Global Container Control Programme to improve container traffic security and has established mechanisms to improve identity document security, as well as maritime and port security. Since 2010, the Seafarers Office, through the Offenders Review Committee, has included all the natural and juridical persons whose names appear on the Consolidated List issued by the sanctions committee and the Security Council Committee established pursuant to resolution 1267 (1999) in the list maintained by the Office's Certification Department as subject to asset freezing, the travel ban and the arms embargo.

70. **Paraguay** reported that it was evaluating its possible adherence to the Protocol of 2005 to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, the Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, and the 2005 Amendment to the Convention on the Physical Protection of Nuclear Material.

71. Paraguay also adopted legislation to strengthen its capacity to prevent and respond to the threat of terrorism. Law 4024 which punishes acts of terrorism, terrorist association and financing of terrorism, in effect as from 23 June 2010, defines the crime of terrorism and also criminalizes the support of terrorists and

members of terrorist groups, as well as the crime of financing terrorism. On 11 August 2010, Paraguay enacted Law 4036 regarding Firearms, Their Parts and Components, Ammunition, Explosives, Accessories and Related Items, which is in accordance with the United Nations Convention against Transnational Organized Crime and the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials.

72. **Qatar** reported that it was party to 12 universal counter-terrorism instruments. It is also party to the Convention of the Cooperation Council for the Arab States of the Gulf on Combating Terrorism, the Convention of the Organization of the Islamic Conference on Combating International Terrorism and the Arab Convention on the Suppression of Terrorism. On 1 February 2010, it ratified an amendment to article 1, paragraph 3, of the latter instrument. Qatar has also concluded bilateral agreements and memorandums of understanding in the field of security cooperation, containing provisions on counter-terrorism, with Belarus, Bosnia and Herzegovina, Egypt, France, Germany, India, Iran (Islamic Republic of), Jordan, Lebanon, the Republic of Korea, Saudi Arabia, the Sudan, the Syrian Arab Republic, Tunisia, Turkey and Yemen.

73. Pursuant to the Permanent Constitution, a treaty or agreement has the power of law after ratification and publication in the Official Gazette. However, reconciliation treaties and treaties pertaining to the territory of the State, sovereignty rights or citizens' public or private rights, and those that involve an amendment of the laws of the State shall come into force when they are promulgated as a law. In no case may a treaty include secret conditions contradicting its public conditions. Qatar promulgates new domestic legislation and amends existing legislation in order to ensure implementation of such instruments. Legislation of this kind includes the Anti-Money-Laundering and Terrorism Financing Act (Law No. 4 of 2010) and the Civil Aviation Act (Law No. 15 of 2002).

74. The Penal Code of Qatar (Law No. 11 of 2004) applies, irrespective of nationality, to anyone present in the State after having committed, whether as perpetrator or accomplice, any offence abroad involving trafficking in drugs or persons, piracy or international terrorism.

75. Article 1 of the Counter-Terrorism Law (Law No. 3 of 2004) provides for the purposes of its application that an offence specified in the Penal Code or any other law shall be regarded as a terrorist offence if it was committed with terrorist intent. Article 2 includes the death penalty for a number of terrorist offences. Article 3 criminalizes the establishment, founding, organization or management of a group or organization in contravention of the law for the purpose of committing terrorist offences, and criminalizes membership or participation in such a group or organization with knowledge of its purposes. Article 6 provides for the death penalty or life imprisonment for anyone who manages an entity, association or private organization that is established in accordance with the law, and who takes advantage of the management thereof to advocate the commission of a terrorist offence.

76. On 18 March 2010, Qatar promulgated the Anti-Money-Laundering and Terrorism Financing Law. Article 1 defines a terrorist act as an act that constitutes a crime under international counter-terrorism instruments, or any other act that is intended to kill or inflict grave physical harm on civilians or any person not actively taking part in hostile acts in cases of armed conflict. A terrorist is defined as a natural person who directly or indirectly commits a terrorist act, or takes part in,

organizes or contributes to the commission of terrorist acts. A terrorist organization is defined as a group of terrorists that directly or indirectly commits or attempts to commit a terrorist act, or conspires in, organizes or contributes to the commission of such an act. The article also defines the freezing of assets as a prohibition by decision of a judicial body or competent authority on the conversion, exchange, movement, use or transfer of funds; such prohibition shall remain in force for as long as that decision remains applicable.

77. The Law also prohibits the laundering of the proceeds of crimes or offences provided for in international instruments signed or ratified by the State, as well as the proceeds of crimes involving fraud, narcotics, forgery or robbery, establishes the National Anti-Money-Laundering and Terrorism Financing Committee, and sets out its competence, in conjunction with the National Counter-Terrorism Committee, with respect to international conventions and instruments on combating the financing of terrorism. It also grants authority to the Prosecutor General to freeze the assets of terrorists, persons who finance terrorism and terrorist organizations with respect to which Security Council decisions have been adopted, or of persons who have been identified by the National Counter-Terrorism Committee. The National Counter-Terrorism Committee, established pursuant to Prime Ministerial Decision No. 7 of 2007, as amended by Decision No. 7 of 2009, elaborates counter-terrorism policies, plans and programmes, and coordinates the work of all stakeholders in Qatar concerned with meeting the obligations set forth in Security Council and other United Nations resolutions that address the issue of counter-terrorism. The Committee works to achieve the objectives contained in international conventions on terrorism, raise awareness of the dangers of terrorism, and strengthen the role of citizens and civil society institutions in suppressing it.

78. Articles 93 to 101, 106 and 107 of the Civil Aviation Law (Law No. 15 of 2002), in application of the international agreements adopted in that regard, concern the criminalization of attacks against aircraft and the safety of civil aviation, the punishment of those who perpetrate such attacks, and the suppression of terrorism. In that context, Qatar has undertaken to apply the Standards and Recommended Practices of the International Civil Aviation Organization as contained in the Chicago Convention of 1944, annex 17.

79. The Internal Security Force (Lekhwiya) established by Law No. 12 of 2003, is a regular armed force whose functions include dealing with acts of terrorism and violations of internal security and handling explosives and taking all appropriate protective measures.

80. The Code of Criminal Procedure (Law No. 23 of 2004) regulates the provisions governing international judicial cooperation in criminal matters and extradition.

81. The **Russian Federation** reported that it was party to 13 universal counter-terrorism instruments. In October 2010, it ratified the Shanghai Convention on Combating Terrorism, Separation and Extremism. Its legal system enables national compliance with international counter-terrorism obligations and also allows any domestic form of terrorist activity to be countered effectively.

82. The Russian Federation continued to work actively over the reporting period to strengthen international counter-terrorism cooperation and to upgrade its legal and regulatory framework, including within the framework of such regional organizations and bodies as the Counter-Terrorism Centre of the Commonwealth of

Independent States; the Regional Counter-Terrorism Structure of the Shanghai Cooperation Organization; the Group of Eight Rome and Lyon groups on combating transnational organized crime and international terrorism; the Asia-Pacific Economic Cooperation Counter-Terrorism Task Force; and the Russian Federation-Association of Southeast Asian Nations Joint Working Group.

83. Intensive counter-terrorism cooperation continued with foreign partners on a bilateral basis. Bilateral treaties and conventions on mutual legal assistance in criminal matters were drawn up with Austria, Cameroon, the Czech Republic, Hungary, Malta, Morocco and the United Arab Emirates. An agreement on cooperation in combating terrorism, separatism and extremism was signed with China on 27 September 2010. Inter-agency agreements were concluded with the Federal Financial Monitoring Service (Rosfinmonitoring) and the financial investigation units of Singapore and Montenegro.

84. In 2010, Rosfinmonitoring conducted international financial investigation designed to combat the financing of terrorism in conjunction with the financial investigation units of Austria, Belgium, Cyprus, Estonia, Kazakhstan, Latvia, Liechtenstein, Luxembourg, New Zealand, Norway, Panama, Poland, Spain, Sweden, the United Kingdom and the British Virgin Islands.

85. Agreements and arrangements for cooperation in combating crime, including organized crime and terrorism, were prepared and signed by the Office of the Prosecutor General of the Russian Federation and the competent bodies of Sweden (March 2010); Qatar (March 2010); Greece (April 2010); Norway (April 2010); Ukraine (September 2010); Lebanon (November 2010); Poland (December 2010); and the Democratic People's Republic of Korea (December 2010).

86. Programmes for cooperation, including sharing expertise on the prevention of terrorist and extremist crimes for 2011-2012 were signed by the Office of the Prosecutor General of the Russian Federation with the competent authority of Armenia (September 2010); China (October 2010); the Republic of Korea (November 2010); and Qatar (January 2011).

87. The legal basis for counter-terrorism is fully set out in the 2006 Federal Act No. 35-FZ on counter-terrorism; the 2002 Federal Act No. 114-FZ on counter-extremism; the 2006 Presidential Decree No. 116 on counter-terrorism measures; and in the provisions of criminal law stipulating liability for terrorist-related crimes in the Criminal Code.

88. The following measures were taken to improve national counter-terrorism legislation: (a) in December 2010, Federal Act No. 352-FZ, amending the Criminal Code of the Russian Federation and increasing liability for the offences covered by articles 205, 205-1 and 205-2 of the Criminal Code, was adopted; (b) in March 2010, in accordance with the 2007 Federal Act No. 16-FZ on transport safety, Presidential Decree No. 403 on the establishment of a comprehensive system for public transport safety was issued, and a comprehensive programme for public transport safety (approved by Government Order No. 1285-r of 30 July 2010) was adopted; (c) in July 2010, amendments were introduced to Federal Act No. 197-FZ in order to implement the 1999 International Convention for the Suppression of the Financing of Terrorism, the 1980 Convention on the Physical Protection of Nuclear Material, Security Council resolution 1373 (2001) and the special recommendations on money-laundering of the Financial Action Task Force.

89. The Office of the Prosecutor General drafted a number of departmental regulatory instruments in 2010 to improve oversight for the enforcement of laws on the prevention of terrorism and its financing.

90. In accordance with the 2007 Federal Act No. 16-FZ on transport safety, a variety of interdepartmental orders and ministry of transport orders were issued to ensure, inter alia, a single disaster management system addressing transport disasters, both natural and man-made. Efforts have also been made to harmonize the CIS transport safety legislation.

91. Draft memorandums of understanding on transport safety were drawn up and are currently being negotiated with Israel, Ukraine and the United States of America.

92. In 2010, 581 crimes of a terrorist nature were recorded, for which 402 persons were prosecuted. Of the 581 recorded crimes, 31 were crimes addressed by article 205 of the Russian Federation Criminal Code (terrorist acts), 22 were crimes under article 205-1 (facilitation of a terrorist activity), 9 were crimes under article 205-2 (public calls for terrorist activity and the justification of terrorism), 5 were crimes under article 206 (hostage-taking), 403 were crimes under article 208 (the organization of, or participation in, an illegal armed formation) and 4 were crimes under article 277 (attempt on the life of a governmental or public figure).

93. The courts continued the practice of recognizing certain international organizations as terrorist. The Russian Federation Supreme Court, by a decision of 15 September 2009, fully granted an application by the Office of the Prosecutor General for Al-Takfir wal-Hijra, established in Egypt at the beginning of the 1970s, to be recognized as an extremist international religious association; for the inclusion therein of the list of persons, groups and entities subject to European Union Council Decision 2001/931/CFSP dated 27 December 2001; and for the prohibition of the association's activities in the territory of the Russian Federation. Another Supreme Court decision of 25 February 2010 recognized Imarat Kavkaz (Emirate of the Caucasus), an organization with close ties to Al-Qaida, as terrorist, and prohibited its activities on Russian territory. The Russian Ministry of Foreign Affairs is currently working to have this international terrorist organization included in the sanctions lists of the Security Council Committee established pursuant to resolution 1267 (1999). The leader of that organization, Doku Umarov, was included in those lists in March 2011.

94. The Russian Federation successfully disrupted preparations for, and the commission of, 93 terrorist-related crimes over the 2010-2011 period. A number of terrorist acts were uncovered, including explosions of improvised explosive devices in the Moscow subway, at Vladikavkaz central market, at the Dalny military training ground in Buinaksk, on Makhachkala municipal beach, at the Hermitage cafe in Pyatigorsk, at the Palace of Culture and Sport in Stavropol, and at the Irganay and Baksan hydroelectric power stations.

95. There are currently 58,688 facilities within the Russian Federation which are considered of special importance, to be particularly hazardous or to be critical infrastructure.

96. In 2010, 433 militant training grounds and weapons caches were identified. In the course of counter-terrorist operations, over 450 improvised explosive devices were defused and more than 1,200 small arms and 2.5 tons of explosive substances were seized. Sixty people were persuaded not to engage in terrorist activities.

97. While engaged in armed resistance, 375 gang members were killed and 660 underground gang members and their associates were arrested.

98. **Slovenia** reported that it was party to 14 universal counter-terrorism instruments. It has initiated the ratification procedure concerning the two universal instruments of 2005 on maritime security. It has also ratified the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism and the International Convention for the Suppression of the Financing of Terrorism. Slovenia has thus far also concluded 20 multilateral and bilateral intergovernmental and inter-police agreements in the area of countering organized crime, including terrorism, and on cooperation in the area of money-laundering prevention and the financing of terrorism.

99. The direct applicability of provisions of international instruments is guaranteed by the Constitution; ratified and published treaties are applied directly. Slovenia as an State member of the European Union implements the European Union legal instruments in the area of preventing and combating terrorism through the adoption of relevant measures at the national level.

100. During the reporting period, there was no international terrorism-related incident and no international terrorism-related prosecution or sentencing in Slovenia.

101. **Spain** reported that it was party to 16 universal counter-terrorism instruments. Spain has also concluded agreements on police cooperation and combating terrorism with Albania, Algeria, Bosnia and Herzegovina, Brazil, Bulgaria, Cameroon, Cape Verde, China, Cyprus, Israel, Italy, Jordan, Latvia, Lithuania, Mali, Poland, Romania, the Russian Federation, Senegal, Serbia, Slovakia, Turkey, Ukraine and the United States.

102. There was reform of the Spanish Penal Code in June 2010 to include as offences "training, recruitment, indoctrination or participation in terrorist groups or organizations" and "financing of terrorist activities", with 10 years of probation after a prison term. Such probation, which includes a ban from residing near the victims, was mandatory in the case of terrorists. Moreover, there is no statute of limitations on acts of terrorism that result in the death of a person. There is also a possibility of holding legal persons criminally liable. Taking into account European Union Council Framework Decisions on terrorist offences 2002/475/JHA of 13 June 2002 and 2008/919/JHA of 28 November 2008, the Code also penalizes (a) the promotion, forming, organization, coordination or leadership of a terrorist organization or group; (b) active participation or membership in the organization or group, whether part of it or not. Criminal organization and terrorist group are also defined.

103. In August 2010, a Pakistani and a Turkish national were arrested to be extradited to their respective countries. The individuals were released on 13 September 2010 since Pakistan and Turkey did not formalize the extradition requests. On 22 October 2010, Spain extradited a person to Morocco in relation to a case of recruitment and funding for terrorist organizations. Eight other individuals were arrested and accused of committing acts of terrorism and other serious offences. On 18 May 2010, an Algerian citizen who was arrested for his alleged collaboration with a terrorist organization was acquitted.

104. **Sweden** reported that it had signed two universal counter-terrorism instruments and was party to 12. It had also signed two and was party to two regional instruments.

105. On 1 December 2010, the Act on Criminal Responsibility for Public Provocation, Recruitment and Training concerning Terrorist Offences and Other Particularly Serious Crimes (2010:299), containing provisions implementing the Council of Europe Convention on the Prevention of Terrorism and European Union Council Framework Decision 2008/919/JHA of 28 November 2008 amending Framework Decision 2002/475/JHA on combating terrorism, entered into force. The Act imposes particular criminal liability on those who (a) in a message to the public urge or otherwise attempt to entice people to commit particularly serious crimes (public provocation); (b) seek to induce another person in a case other than that specified above to commit or otherwise participate in particularly serious crimes (recruitment); or (c) provide or seek to provide instruction in the making or use of explosives, weapons or noxious or hazardous substances that are particularly likely to be used in particularly serious crimes, or in other methods or techniques that are particularly intended for such purpose, if the act has been committed with the knowledge that the instruction is intended to be used for particularly serious crimes (training).

106. On 2 March 2011 the Court of Appeal for Western Sweden delivered its judgement regarding two men previously convicted in Gothenburg District Court for conspiracy to commit terrorist crimes in accordance with the Act on Criminal Responsibility for Terrorism (2003:148), which is based on European Union Council Framework Decision 2002/475/JHA of 13 June 2002 on combating terrorism. The defendants were accused of having, in consultation and in understanding with Al-Shabaab, decided and undertaken to carry out suicide attacks in Somalia. Though finding the men sympathizing with radical Islamic ideology as well as with the objectives of Al-Shabaab, the Court of Appeal however did not find it sufficiently proven that the defendants had in fact decided and undertaken to carry out suicide attacks in Somalia as described in the requisite description of the crime. The defendants where consequently found not guilty.

107. On 11 December 2010, Sweden suffered a terrorist attack in central Stockholm. Two bombs detonated almost simultaneously in late afternoon. The first one, a car bomb injuring two people, was closely followed by a suicide attack, which left no casualties except for the bomber himself. The limited extent of the damage was believed to be the result of an accidental premature detonation.

108. Ten minutes prior to the first explosion the Swedish Security Service and the Newspapers' Telegram Bureau received an e-mail consisting of three audio files in Arabic, English and Swedish. The files did not contain any substantial information regarding the imminent attack but referred to the presence of Swedish troops in Afghanistan and the drawings of the prophet Muhammad in 2007 by the artist Lars Vilks.

109. The bomber was subsequently determined to be Taimour Abdulwahab al-Abdaly, born in Iraq and a Swedish citizen since 2001, residing in Luton, United Kingdom. According to Iraqi officials, Taimour Abdulwahab al-Abdaly underwent training in Mosul, Iraq, three months prior to the bombings. Furthermore, in February a man in Strathclyde, Scotland, believed to be linked to the December

bombings in Stockholm, was arrested, suspected of committing a crime under the United Kingdom Terrorism Act 2000. The man is still being kept in custody.

110. On 29 December 2010, four individuals were arrested in Copenhagen, suspected of having taken preparatory measures to commit an act of terrorism, presumably against the Danish newspaper *Jyllands-Posten*. Three of the suspected terrorists were then residing in Sweden and two were also Swedish citizens. In addition to those arrests by the Danish Security and Intelligence Service, a Swedish citizen of Tunisian origin was arrested in Stockholm, also believed to be involved in the planning of the attack.

111. **Switzerland** reported that it was party to 16 universal counter-terrorism instruments. It has also concluded bilateral agreements on police cooperation with several States, including various States of eastern and south-eastern Europe; the latest, with Serbia, entered into force on 7 February 2011.

112. On 17 December 2010, the Federal Council amended ordinances relating to the introduction of biometric data in a new aliens permit as part of the implementation of European Union Council Regulation (EC) No. 380/2008 of 18 April 2008 as a development of Schengen law. These amendments, together with an amendment to the Federal Act on aliens and an amendment to the Federal Act on the common information system on aliens and asylum, entered into force on 24 January 2011. Other legislative initiatives could have an impact on counter-terrorism efforts in the medium term, such as a proposed amendment to the Federal Act on internal security measures. The revision will target the information-gathering tools available to the intelligence services. Evaluation has recently begun of possible single or coordinated legal grounds for video surveillance in public areas.

113. In 2009, the Office of the Public Prosecutor of the Confederation initiated a judicial police investigation against unknown persons suspected of threats, blackmail, coercion, extortion, falsification of certificates, fraud, money-laundering, participation in and support for a criminal organization and the financing of terrorism. This followed a request for the actions of an ethno-nationalist organization to be investigated by the federal judicial police. The investigations revealed that some people had been forced to finance the organization for several years via fund-raising. The main aim was to finance the purchase of arms and, to a lesser extent, to support the operating needs of the organization in its country of origin. At the same time, the organization obtained several million Swiss francs via consumer loans taken out by nationals of the country of origin.

114. In November 2010, eight embassies in Athens, including the Swiss Embassy, were targeted by parcel bombs. Responsibility for these attempted bombings was claimed by the Greek organization Conspiracy of Fire Nuclei. In December 2010, two parcel bombs exploded in the Swiss and Chilean embassies in Rome, causing serious injuries. The Italian organization Informal Anarchist Federation, a movement close to the Red Brigades, claimed responsibility for those bombings. In March 2011, a parcel bomb exploded in Olten, Switzerland, in the building of the company representing the interests of nuclear energy producers in Switzerland. The letter found on the premises claiming responsibility was also attributed to the Informal Anarchist Federation. The Office of the Public Prosecutor of the Confederation has initiated legal proceedings in this matter.

115. Investigations are also being conducted into two individuals residing in Switzerland who are suspected of supporting a jihadist organization through propaganda and financial activities. These investigations, in particular, helped to identify propagandist activities on the Internet. The two individuals in question are even suspected of managing jihadist websites.

116. In 2010, the Office of the Public Prosecutor of the Confederation closed the investigation into an Algerian national who, between 2004 and 2005, supported the criminal activities of the Salafist Group for Call and Combat, an armed group which has been officially integrated into Al-Qaida's international jihadist movement since 2006. This person was sentenced at the start of 2011.

117. In addition to the information provided in document A/65/175 (paras. 91-92), in 2010, five different States submitted six requests for mutual legal assistance to Switzerland in the context of extreme left-wing terrorism and pro-independence organizations. One of those requests was carried out, two were denied and the others are in the process of being carried out.

118. In 2010, the Money-Laundering Reporting Office of Switzerland received 13 reports relating to the suspected financing of terrorism totalling SwF 23,098,233.85, or 2.73 per cent of the total amounts frozen that year, compared to SwF 9,500 in 2009. This was largely due to a single report of suspicions emanating from the banking sector and amounting to over SwF 18.6 million; the report was transmitted to the criminal prosecution authorities and is still being processed. Nine other reports amounting to SwF 4.5 million were also transmitted to the criminal prosecution authorities. Three of these are still being processed; the other cases have been dismissed since the suspicions were not corroborated.

B. Information received from international organizations

1. United Nations system

119. The **International Civil Aviation Organization** (ICAO) reported that the Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation (Beijing Convention 2010), and the Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft (Beijing Protocol 2010), adopted on 10 September 2010, at Beijing, had been signed by 21 and 23 States, respectively.[1]

120. There were 14 acts of unlawful interference with civil aviation in 2010, including two perpetrated by a terrorist group. In the light of the incidents, ICAO recommended that its member States conduct national risk assessments and mandatory screening of certain categories of cargo. It also expanded and strengthened air cargo provisions under annex 17 of the Convention on International Civil Aviation, which became operational as from 1 July 2011.

121. The Declaration on Aviation Security, adopted by the ICAO Assembly at its 37th session in October 2010, urges States, inter alia, to strengthen aviation security through enhanced cooperation. ICAO has also enhanced its collaboration with United Nations entities in their counter-terrorism activities.

[1] See the website of the Sixth Committee, www.un.org/en/ga/sixth.

122. The **International Maritime Organization** advised that the Protocol of 2005 to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, and the Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf had entered into force on 28 July 2010. These instruments have been ratified or acceded to by 20 States and 16 States, respectively.[1]

123. At the **United Nations Educational, Scientific and Cultural Organization** (UNESCO), the year 2010 was celebrated as the International Year for Rapprochement of Culture, with UNESCO as lead agency.[2] In the area of education, UNESCO implemented activities to advance knowledge, skills and values among learners and teachers with the aim of fostering dialogue, tolerance and mutual respect. In the domain of culture, UNESCO developed programmes designed to promote dialogue between the Arab and Islamic world and other cultures and contribute to a culture of peace.

124. The **World Bank** conducted over 500 assessments of compliance with anti-money-laundering and combating the financing of terrorism programme since 2001. The Bank published a new study on the risks of mobile phone technology for financial services, in its efforts to strengthen the fight against money-laundering and terrorism financing. The Bank is finalizing a horizontal review of bilateral remittance corridor analyses, with a view to allowing both the promotion of increased flows at lower costs and better compliance with anti-money-laundering and combating the financing of terrorism standards. It also continued to strengthen its collaboration with various United Nations entities in its mobilization against money-laundering and the financing of terrorism.

2. Other international organizations

125. The **Commonwealth of Independent States** submitted an updated list of the legal instruments on counter-terrorism it had adopted, as well as the list of States that have signed or ratified these instruments.[1]

126. The **Southern African Development Community** (SADC) officially launched, in July 2010, the SADC Regional Early Warning Centre, which is monitoring, among others, the threat of terrorism in the region. The States members of SADC have established national early warning centres to feed the Regional Centre with various regional threats including terrorism.

127. SADC member States have started to work on the African Anti-Terrorism Model Law, which is aimed at promoting the implementation of continental and international instruments for the prevention and combating of terrorism at the national level.

128. SADC is in the process of finalizing a memorandum of understanding with the Algeria-based African Centre for Studies and Research on Terrorism. The memorandum of understanding would allow SADC and the Centre to share information on the threat of terrorism and undertake capacity-building programmes.

[2] See www.unesco.org/en/2010-international-year-for-the-rapprochement-of-cultures.

129. The **League of Arab States** (LAS) provided updated information on the status of the Arab Convention on the Suppression of Terrorism[3] and the Amendment to the Arab Convention on the Suppression of Terrorism.[3]

130. The League of Arab States indicated that the Arab Convention on Combating Money-Laundering and the Financing of Terrorism had been signed by 18 Arab States on 21 December 2010. By resolution 525, adopted on 28 March 2010, the Council of the League of Arab States reaffirmed that the payment of ransom to terrorist individuals, groups, institutions or organizations was an offence under Security Council resolution 1904 (2009).

131. By resolution 7320, the concerning counter-terrorism, adopted on 2 March 2011, the Council of the League of Arab States, inter alia, called for continued Arab efforts to follow up the implementation of the United Nations Global Counter-Terrorism Strategy, and to strengthen cooperation in the field of counter-terrorism between LAS and regional and international organizations, in particular the United Nations Office on Drugs and Crime and the counter-terrorism committees established pursuant to the Security Council resolutions.

132. The **Organization of American States** (OAS) provided an updated list of parties to the OAS counter-terrorism treaties, as well as a list of declarations and resolutions of the OAS General Assembly. It also provided information relating to partnerships with other organizations in the area of counter-terrorism.

133. The **Organization of the Islamic Conference** (OIC) submitted an updated list of States that have signed or ratified the OIC Convention on Combating International Terrorism.[3]

III. Status of international legal instruments relating to the prevention and suppression of international terrorism

134. Currently, there are 33 instruments, 18 universal (14 instruments and 4 recent amendments) and 15 regional, pertaining to the subject of international terrorism. The status of international legal instruments is available at the website of the Sixth Committee.[4]

1. Universal instruments

A. 1963 Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo

B. 1970 Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague

C. 1971 Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal

D. 1988 Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the

[3] A/61/210, para. 82.

[4] www.un.org/en/ga/sixth.

Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal

E. 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted at New York

F. 1979 Convention against the Taking of Hostages, adopted at New York

G. 1980 Convention on the Physical Protection of Nuclear Material, signed at Vienna

H. 2005 Amendment to the Convention on the Physical Protection of Nuclear Material, done at Vienna

I. 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome

J. Protocol of 2005 to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at London

K. 1988 Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome

L. Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at London

M. 1991 Convention on the Marking of Plastic Explosives for the Purpose of Detection, signed at Montreal

N. 1997 International Convention for the Suppression of Terrorist Bombings, adopted at New York

O. 1999 International Convention for the Suppression of the Financing of Terrorism, adopted at New York

P. 2005 International Convention for the Suppression of Acts of Nuclear Terrorism, adopted at New York

Q. 2010 Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation, done at Beijing

R. 2010 Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft, done at Beijing

2. Regional instruments

A. 1998 Arab Convention on the Suppression of Terrorism, signed at a meeting held at the General Secretariat of the League of Arab States in Cairo

B. 1999 Convention of the Organization of the Islamic Conference on Combating International Terrorism, adopted at Ouagadougou

C. 1977 European Convention on the Suppression of Terrorism, concluded at Strasbourg

D. 2003 Protocol amending the European Convention on the Suppression of Terrorism, adopted at Strasbourg

E. 1971 OAS Convention to Prevent and Punish Acts of Terrorism Taking the Form of Crimes against Persons and Related Extortion that are of International Significance, concluded at Washington, D.C.

F. 1999 OAU Convention on the Prevention and Combating of Terrorism, adopted at Algiers

G. 2004 Protocol to the OAU Convention on the Prevention and Combating of Terrorism, adopted at Addis Ababa

H. 1987 South Asian Association for Regional Cooperation (SAARC) Regional Convention on Suppression of Terrorism, signed at Kathmandu

I. 2004 Additional Protocol to the SAARC Regional Convention on Suppression of Terrorism, adopted at Islamabad

J. 2001 Shanghai Convention on Combating Terrorism, Separatism and Extremism, adopted at Shanghai

K. 1999 Treaty on Cooperation among States Members of the Commonwealth of Independent States in Combating Terrorism, done at Minsk

L. 2002 Inter-American Convention against Terrorism, adopted at Bridgetown

M. 2005 Council of Europe Convention on the Prevention of Terrorism, adopted at Warsaw

N. 2005 Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism, adopted at Warsaw

O. 2007 Treaty of States members of the Commonwealth of Independent States on Combating the Legalization (Laundering) of Proceeds from Crime and Financing Terrorism, done at Dushanbe

IV. Information on workshops and training courses on combating crimes connected with international terrorism

135. The **League of Arab States** advised that its General Secretariat had organized, with Naif Arab University for Security Sciences, a regional training session on monitoring goods and individuals and protecting them from terrorist attacks, in Riyadh from 6 to 8 June 2011.

136. The 2011 programme includes two workshops in cooperation with the United Nations Office on Drugs and Crime (a) on means of counter-terrorism cooperation among international, regional and subregional organizations; and (b) on means to establish an Arab judicial cooperation network on counter-terrorism.

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Sixty-sixth session
Item 99 (m) of the preliminary list*
General and complete disarmament

Observance of environmental norms in the drafting and implementation of agreements on disarmament and arms control

Report of the Secretary-General

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* A/66/50.

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I. Introduction

1. On 8 December 2010, the General Assembly adopted resolution 65/53, entitled "Observance of environmental norms in the drafting and implementation of agreements on disarmament and arms control". Paragraph 4 of the resolution invited all Member States to communicate to the Secretary-General information on the measures they have adopted to promote the objectives envisaged in the resolution and requested the Secretary-General to submit a report containing that information to the General Assembly at its sixty-sixth session.

2. Pursuant to that request, on 22 March 2011, a note verbale was sent to Member States inviting them to provide information on the subject. The replies received are contained in section II below. Additional replies received will be issued as addenda to the present report.

II. Replies received from Governments

Cuba

[Original: Spanish]
[7 June 2011]

The Republic of Cuba has acquired extensive experience in adopting and implementing laws and policies that enable it to observe environmental norms in all aspects of public life, including the norms found in the various international disarmament and arms control instruments to which Cuba is a party, including the Chemical Weapons Convention, the Biological Weapons Convention, the Convention on Certain Conventional Weapons and the Treaty on the Non-Proliferation of Nuclear Weapons.

Cuba has a solid legal foundation for the protection of the environment:

- Article 27 of the Constitution of the Republic of Cuba contains the concept of sustainable development.

- Act No. 81/1997 on the environment sets forth the principles that underpin Cuba's environmental policy, stating, inter alia: "Managing the environment is a comprehensive and cross-cutting endeavour; it involves the coordinated participation of State bodies, other entities and institutions, society and the citizenry as a whole, each in keeping with its respective mandates and abilities".

- Decree-Law No. 207 entitled "On the use of nuclear energy" establishes the general rules for such activities.

- Decree No. 208 entitled "On the national accountability and control system for nuclear materials" establishes the regulations for the operation of the system with the aim of promoting efficient management of such materials and detecting their unauthorized use, loss or movement.

- The legal regime governing biosecurity and the implementation of the Biological Weapons Convention is reflected in: Decree-Law No. 199/90 entitled "On biological security", in resolution No. 2/2004 of the Ministry of

Science, Technology and the Environment (CITMA) entitled "Regulation on accountability and control of biological materials, equipment and related technology", the most recent update of the "List of biological agents that affect humans, animals and plants", and the "Regulation granting authorizations in the field of biological security". The latter two are contained in CITMA resolutions Nos. 38/2006 and 18/2007.

- Decree-Law No. 202/1999 regulates implementation of the Chemical Weapons Convention at the national level.

- Agreement 5517 of the Executive Committee of the Council of Ministers of 2005 entitled "On contraventions resulting from violation of the rules of the Chemical Weapons Convention", which rounded out the legislative measures needed to implement the Chemical Weapons Convention.

Cuba reaffirms that the observance of environmental norms in the drafting and implementation of agreements on disarmament and arms control is especially relevant and has become increasingly important, a fact that was recognized by the international community through the adoption by the United Nations General Assembly of resolution 63/51 without a vote.

Despite the efforts of the General Assembly and international disarmament bodies, some countries continue to carry out policies aimed at fomenting wars of aggression in various parts of the world, to make use of aggressive strategies that include preventive strikes, to continue to use indiscriminately all types of weapons, including, potentially, nuclear weapons, and to refuse to adopt commitments at the multilateral level with regard to nuclear disarmament. At the same time, a persistent arms race continues to enhance conventional and nuclear weapons at an accelerated pace.

Cuba maintains that the total elimination of weapons of mass destruction is the only truly effective solution that can prevent the dire consequences that would result from their use. Cuba attaches great importance to universal adherence to international treaties that ban such weapons. The mere existence of weapons of mass destruction and their ongoing development are among the most serious threats to international peace and security, to the fragile environmental balance on our planet and to sustainable development for all peoples without distinction.

The Chemical Weapons Convention continues to be the only international agreement that provides for the verifiable destruction of chemical weapons and the facilities where they are produced and that includes measures for the protection of humans and the environment.[1] The "principles and methods for destruction of chemical weapons"[2] that weapons-possessing States must take into account when destroying their weapons are extremely important. However, several such States have continued to extend the deadline for destruction, and it is now clear that they will not be able to destroy their chemical weapons before the 2012 deadline set in the Convention. This situation has been a source of serious concern at the Organization for the Prohibition of Chemical Weapons (OPCW).

[1] As may be verified in art. IV, para. 10; art. V, para. 1; art. VII, para. 3; Verification Annex, part II, sect. E, para. 43; Verification Annex, part VI, sect. C, para. 7.

[2] Verification Annex, part IV, "Destruction of Chemical Weapons and Its Verification Pursuant to Article IV", sect. C, paras. 12 to 14.

On the question of nuclear disarmament, the Conference on Disarmament should begin negotiations on a treaty for the complete elimination of nuclear weapons within a specified time frame and under strict international control. An international treaty on nuclear disarmament must of necessity include measures for the protection of the environment.

Strengthening of the Biological Weapons Convention over the next few years is also critical to the protection of the environment and the preservation of biodiversity on our planet. The draft protocol for strengthening the Convention, which was the subject of negotiations a few years ago, included such measures. The negotiations to adopt the protocol must be resumed, and Cuba hopes that the decision to do so will be taken at the upcoming Seventh Review Conference of the Biological Weapons Convention.

It is also important to highlight the relevance and importance of the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques, ratified by Cuba on 10 April 1978, which remains fully in force and should be universally accepted.

In the immediate vicinity of Cuba, the serious harm caused by the United States Navy to health and the environment on the Puerto Rican island of Vieques may still be observed. The island is used indiscriminately as a military practice range for the United States' acts of aggression and conquest, which even include the use of munitions containing radioactive substances. As a result, the inhabitants of Vieques have the highest cancer rates in all of Puerto Rico.[3]

Furthermore, the damage caused to the environment, property and human life by the United States war of occupation of Iraq has been devastating. A similar situation has been produced over the past few months by the bombings conducted by the North Atlantic Treaty Organization (NATO) against the Socialist People's Libyan Arab Jamahiriya.

Ecuador

[Original: Spanish]
[5 May 2011]

- Article 14 of the Constitution of Ecuador recognizes the right of the population to live in a healthy and ecologically balanced environment that guarantees its sustainability and well-being, or *sumak kawsay*. Furthermore, article 15 prohibits the development, production, possession, sale, import, transport, storage or use of chemical, biological and nuclear weapons.

- Principle 17 of the Rio Declaration on Environment and Development, drafted between 3 and 14 June 1992, established the need to undertake an environmental impact assessment of proposed activities that are likely to have a significant adverse impact on the environment and are subject to a competent national authority, which, in the case of Ecuador, is the Ministry of the Environment.

[3] Data from the cancer registry of the Puerto Rico Department of Health show that cancer rates on Vieques began to rise after the United States Navy began the shelling in 1979 (Zavala-Segarra, D., *Incidencia de cáncer en Vieques*).

- Ecuador ratified the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal in May 1993, and promulgated the Convention in Official Gazette No. 432 of 4 May 1994.

- A regulatory framework on the environment is in force in Ecuador. The most important legal instruments within this framework are the Environmental Management Act, published in Official Gazette No. 245 of 30 July 1999, the Prevention and Control of Environmental Pollution Act, published in Official Gazette No. 418 of 10 September 2004, and the Consolidated Text of Secondary Environmental Legislation, published in Official Gazette No. E 2 of 31 March 2003. These instruments aim to establish the mechanisms to prevent and control the impact of activities with a potential effect on the environment.

In that regard, and pursuant to paragraphs 1 and 2 of resolution 65/53, any activity conducted in the country in fulfilment of the provisions of international disarmament agreements must be consistent with domestic law as well as with the provisions of the international environmental conventions to which Ecuador is a party. This means that the appropriate licence must be granted for any disarmament activities with potential effects on the environment before the start of such activities. Thus, it is clear that our country's position concerning paragraphs 1 and 2 of the resolution is to support the observance of environmental norms in the drafting and implementation of disarmament and arms control agreements, in line with the legal instruments mentioned above.

Finally, with regard to paragraphs 3 and 4 of the resolution, we consider it important to have information from the Ministry of Security Coordination or the Ministry of National Defence concerning the major activities that have been conducting to comply with this important resolution.

Lebanon

[Original: Arabic]
[2 May 2011]

Lebanon possesses no weapons that have an impact on or are detrimental to the environment and supports the agreements on disarmament, arms control and the observance of environmental norms, taking into consideration the concern caused by Israel on account of its possession and retention of an enormous arsenal of weapons of mass destruction, which could be detrimental to the environment even if not used.

Panama

[Original: Spanish]
[2 June 2011]

The Government of Panama affirms that the competent authorities, including the Ministry of Health, the National Customs Authority, the National Environmental Authority (ANAM), the Office of the Public Prosecutor and the Canal Authority, among others, have established control programmes and mechanisms (national, bilateral and multilateral) on the entry of materials or substances that could cause pollution affecting persons, structures and/or areas of the national territory.

In addition, with regard to fulfilling the responsibilities undertaken in the applicable conventions, the current Administration maintains a policy of strengthening the mechanisms in place, developing appropriate legal instruments and improving relevant measures.

Qatar

[Original: Arabic]
[18 April 2011]

1. The State of Qatar affirms that environmental norms should be observed in the drafting and implementation of agreements on disarmament and arms control. It calls for the adoption of national and regional measures to protect the environment and ensure that, in making scientific and technological progress, the environment is not altered for military or other hostile purposes.

2. In its development programmes of recent years, Qatar has placed considerable emphasis on protecting the environment. The State's concern for the environment is reflected by its establishment of a Ministry of the Environment and the proclamation of Qatar Environment Day to celebrate the environment. It has also adopted the following national legislation:

- Decree-Law No. 11 of 2000 establishing the Supreme Council for the Environment and Natural Reserves;
- Law No. 31 of 2002 on protection against radiation, and its implementing regulation No. 4 of 2003.

3. The National Committee for the Prohibition of Weapons was established as a standing committee in the Ministry of Defence by Cabinet Decision No. 26 of 2004, which was amended by Decision No. 45 of 2007. The Committee functions as the liaison of Qatar with the Organization for the Prohibition of Chemical Weapons (OPCW) and with States parties to international instruments concerning the prohibition of weapons of mass destruction. The Committee's membership comprises representatives of the following ministries and agencies: the Ministry of Foreign Affairs, the Ministry of the Interior, the Ministry of Energy and Industry, the Ministry of Health, the Ministry of Municipalities and Urban Planning, the Ministry of the Environment, the Cabinet Secretariat, the Hamad Medical Corporation and the General Directorate of Customs. The inclusion of those parties in the Committee's decision-making process ensures that the Committee's decisions respond to the real needs of society. It also ensures that the control of prohibited materials does not impede the country's industrial and scientific progress.

The Committee is responsible for the implementation of instruments concerning weapons of mass destruction and such other agreements as the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction, ratified on 21 September 1998, and the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects and its protocols, to which Qatar acceded on 12 August 2009. The Committee's achievements include the following:

The country continues to fulfil its commitments and cooperate with OPCW under the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, ratified on 13 August 1997. In line with those efforts, Law No. 17 of 2007 on chemical weapons was drafted and the Committee proposed amendments to that Law.

Qatar believes in the use of nuclear energy for peaceful purposes, and has expressed its opinion regarding the initiative to make the Middle East a zone free of weapons of mass destruction. It affirms its principled position that the elimination of nuclear-weapon arsenals is a necessary condition for global peace and security. In that regard, Qatar acceded to the Treaty on the Non-Proliferation of Nuclear Weapons on 29 January 1989 and signed the Comprehensive Nuclear-Test-Ban Treaty on 30 December 1996. On 19 January 2009, it signed a comprehensive safeguards agreement with the International Atomic Energy Agency defining which nuclear materials are subject to safeguards and prescribing an inspection regime for nuclear materials and installations. Also on 19 January 2009, further to those measures, Qatar signed a small quantities protocol under which the safeguards are implemented within the framework of the Treaty in a manner that is commensurate with the scale of the State's nuclear activities. In implementation of the above-mentioned comprehensive safeguards agreement, a law on a national regime for accounting and control of nuclear material has been drafted and is in the process of being adopted.

The Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction prohibits the production and stockpiling of biological weapons and their use in armed conflict. As a State party to that Convention, which it ratified on 17 March 1975, Qatar strives to fulfil its commitments to ensure the security of individuals, protect the environment and cooperate with other States parties. With regard to national legislation, a draft law on biological weapons has been prepared and is in the process of being adopted. Under the draft law, the development, production, stockpiling, purchase or acquisition of biological agents and toxins in quantities and of types not consistent with preventive purposes or medical applications are prohibited or subject to monitoring. There are also biological security and safety measures in place in medical and other laboratories at universities. The State fosters applied biotechnology research and guides research efforts in order to prevent the abuse of this scientific field and ensure continued acquisition of knowledge therein, owing to its relevance to health, agriculture and environmental protection.

Ukraine

[Original: Russian]
[30 May 2011]

Ukraine attaches special importance to the observance of environmental norms in the drafting and implementation of agreements on disarmament and arms control and is working actively at the national and international level to improve existing national legislation in this field and contribute to the development of a body of international treaty law to provide an adequate response by the international community to the challenges posed to the environment by the disarmament process and the destruction of certain types of weapons.

First of all, it should be noted that the disposal of any property, substances, liquids, etc. that could negatively impact the environment is regulated by existing national legislation, notably the Environmental Impact Assessment Act; the Waste Management Act; the law on licensing certain types of commercial activity; Cabinet Decision No. 554 of 27 July 1995, which lists types of environmentally hazardous activities and facilities; and other legislative acts.

In accordance with the procedure for the destruction of missiles, munitions and explosive materials approved in Cabinet Decision No. 812 of 7 July 2006, the Ministry of Defence is the government body responsible for the destruction of munitions belonging to the armed forces and other military units.

The executing agents are economic entities, irrespective of form of ownership, that either own or lease facilities for the destruction of munitions, hold certification and accreditation as required by law and, in accordance with the licences issued to them, carry out the destruction of munitions, develop new technologies, and modernize or build new munition destruction facilities.

Furthermore, it should be noted that the disposal of any type of asset in Ukraine is accompanied by the development of an appropriate disposal solution with an environmental impact assessment component. As a rule, that component contains exhaustive information regarding the potential negative impact of the technological processes on the environment.

1. Environmental implications of the destruction of anti-personnel mines and surplus ammunition stockpiles in accordance with Ukraine's obligations under the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (Ottawa Convention)

A top priority during the destruction of anti-personnel blast mines at the Pavlograd Chemical Plant, a State-owned research industrial complex, is compliance with national environmental regulations and European Union environmental safety requirements for the destruction of munitions.

The plan for using humanitarian assistance provided by the Kingdom of Norway for the destruction of anti-personnel blast mines, in compliance with Ukraine's obligations under article 4 of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, provides for the procurement of special equipment. The plan also includes providing the Pavlograd Chemical Plant incinerator with a system for cooling and disposing of the heat generated during the thermal decontamination of the combustion products of anti-personnel blast mines; ceramic filters with powder feeders for dry scrubbing the by-products of toxic agents; an automation and control system with monitoring and measuring devices; equipment for conducting rapid testing of emissions toxicity content; and a video monitoring and fire detection system.

Using the aforementioned equipment would ensure 100 per cent detection of the gaseous by-products of the anti-personnel blast mine destruction process.

2. Environmental implications of the destruction of loaded motor cases from RS-22 intercontinental ballistic missiles in accordance with Ukraine's obligations under the Strategic Offensive Arms Reduction Treaty (START-I)

In 2010, in accordance with Cabinet Decision No. 419 of 10 April 2009, loaded motor cases from RS-22 intercontinental ballistic missiles were placed under the responsibility of the National Space Agency of Ukraine.

The main priority in the implementation of the Programme for the destruction of solid rocket fuel from RS-22 intercontinental ballistic missiles (solid rocket fuel destruction programme) is to ensure environmental, fire and human safety during the destruction process.

The method selected for the disposal of the solid fuel from RS-22 intercontinental ballistic missiles is the safest with respect to the environment. Following hydromechanical extraction, the fuel is processed into commercial-grade explosives and emulsion explosives (the closed cycle process releases nothing into the air, water or soil).

All potentially dangerous facilities participating in the solid rocket fuel destruction programme have developed disaster containment and clean-up plans; created and implemented on-site emergency threat detection and warning systems; and ensured that the facilities carry civil liability coverage for potential damage from fires or accidents at high-risk facilities or at facilities where operations could result in accidents with repercussions for the environment or public health.

Since 1999, the Pavlograd Chemical Plant has been certified according to international standards for quality management (ISO 9001), environmental management (ISO 14001) and occupational health and safety management (OHSAS 18001). Biannual external audits are conducted at the plant according to the above standards by Ukrainian and foreign auditors.

The laboratory facilities at the Pavlograd Chemical Plant and the Pavlograd Mechanical Plant, which are certified in accordance with national legislation, continuously monitor air, surface and ground water and soil quality according to an environmental monitoring and technical control schedule approved by the health and epidemiological service in accordance with approved methodologies.

In accordance with article 50 of the Constitution and article 25 of the national Environmental Protection Act, the Pavlograd Chemical Plant and the Pavlograd Mechanical Plant routinely communicate the findings of the environmental monitoring conducted by the National Space Agency of Ukraine to the State monitoring and oversight agencies and the city council and the general public of the city of Pavlograd.

Air, soil and ground water quality monitoring conducted at the facility sites and in surrounding areas found no negative impact of plant operations on the environment in any of the locations.

3. Environmental implications of the elimination of *mélange* (liquid rocket fuel component) stockpiles in accordance with Ukraine's obligations under the Memorandum of Understanding between the Cabinet of Ministers of Ukraine and the Organization for Security and Co-operation in Europe (OSCE) as part of the OSCE Project in Ukraine

The environmental implications of the elimination of *mélange* stockpiles in accordance with Ukraine's obligations under the Memorandum of Understanding between the Cabinet of Ministers of Ukraine and the Organization for Security and Co-operation in Europe are contained in Contract No. CPA 92602 of 16 September 2009 for carrying out the destruction of the *mélange* rocket fuel oxidizer stockpiles. Specifically, the Ministry of Defence of Ukraine is responsible for ensuring the safety of the personnel engaged in the pumping and loading of *mélange* into railway tank cars. The Russian Federation, whose facilities are carrying out *mélange* disposal, is responsible for safety monitoring.

4. Environmental implications of the destruction of small arms and light weapons in accordance with Ukraine's obligations under the North Atlantic Treaty Organization (NATO)/Partnership for Peace (PfP) Trust Fund project, as well as the destruction of certain conventional weapons which may be deemed to be excessively injurious or to have indiscriminate effects in accordance with Ukraine's obligations under Protocol V to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects

In accordance with paragraph 2, section 16, of Contract No. LG-M/4600001832 of 7 August 2009 concluded between the NATO Maintenance and Supply Agency (NAMSA), the Ministry of Defence of Ukraine and the State-run enterprise Ukroboronservice (hereinafter, the executing agent) for the destruction of 15,000 tonnes of ammunition, the executing agent is liable for following and must adhere strictly to safety and environmental protection procedures set out in the terms of reference that form an integral part of the contract.

In accordance with paragraph 4.7 of the terms of reference pertaining to safety and environmental protection standards, the executing agent is liable for all aspects of safety and for complying with national environmental protection legislation.

Only solutions that ensure worker, environmental and public safety are used for ammunition destruction and are carried out at industrial facilities that are designed and put into operation for that purpose.

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Human resources management

Personal conflict of interest

Report of the Secretary-General

Summary

The present report is submitted pursuant to General Assembly resolution 65/247, by which the Secretary-General was requested to provide to the Assembly, for its consideration at the main part of its sixty-sixth session, a comprehensive report on conflict of interest, including a contemporary analysis of what constitutes personal conflict of interest, as well as legal, management and mitigation aspects.

Staff members' obligations as impartial and independent international civil servants require them to exercise their functions with the best interests of the Organization only in view. Modern organizational life, with its multifaceted working experiences and personal and professional networks, however, can bring with it situations where United Nations staff are faced with conflicting or competing interests that may have an impact on their impartiality. Such conflicts of interest can, if not appropriately addressed, have a significant and detrimental effect on the reputation and assets of the Organization.

As conflict situations cannot realistically be avoided in all instances, managing them appropriately becomes a priority. The Organization approaches the management of conflict of interest in a three-step approach:

(a) Identification/disclosure of conflict;

(b) Detailed review of the conflict;

(c) Implementation or recommendation of remedial measures best suited to resolve the conflict.

* A/66/50.

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A range of conflict of interest situations is addressed in the current regulatory and policy framework of the Organization. The tools afforded through this framework allow for a combination of proactive (e.g. disclosure) and retroactive (e.g. disciplinary measures) conflict identification and management. Proactive identification is preferable to prevent possible harm to the Organization's reputation and/or assets, as such harm may not necessarily be rectified through the available retroactive mechanisms. Consequently, the regulated areas of conflict of interest remain subject to various proactive reporting or disclosure obligations. The present report contains a comprehensive presentation of the contemporary regulatory and policy framework in this regard.

Conflicts of interest that fall within the scope of the financial disclosure programme are subject to annual disclosure obligations by certain categories of staff. The General Assembly may therefore also wish to consider the report of the Secretary-General on the activities of the Ethics Office, to be submitted at the sixty-sixth session, as that report will address aspects of the financial disclosure programme.

The Secretary-General will continue to monitor developments in the area of conflicts of interest and established mechanisms in the light of his commitment that in the exercise of their functions and conduct in general, United Nations staff members are acting beyond reproach at all times.

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 65/247, by which the Secretary-General was requested to provide to the General Assembly for its consideration at the main part of its sixty-sixth session a comprehensive report on conflict of interest, including a contemporary analysis of what constitutes personal conflict of interest, as well as legal, management and mitigation aspects.

2. The report presents an overview of the main types of conflict of interest faced by staff of the Organization, the regulatory framework currently applicable to United Nations staff members, including current definitions, legal implications, and mechanisms established to manage and mitigate existing or potential conflicts of interest. This report does not address personnel other than United Nations staff members; and it should be noted that officials other than Secretariat officials and experts on mission are not directly covered by the regulatory framework referenced in this report. However, the underlying principles and very similar provisions, including on conflicts of interest, apply through other administrative issuances (see, for example, ST/SGB/2002/9).

3. The General Assembly also has before it the reports of the Secretary-General on the activities of the Ethics Office and on the amendments to the Staff Regulations (A/65/213). The latter proposes an amendment to staff regulation 1.2 (m) governing conflicts of interest (see A/65/213, annex; see also para. 9 of the present report), which has been recommended for adoption by the Advisory Committee on Administrative and Budgetary Questions, in its report on human resources management (A/65/537, para. 87). The Assembly, in paragraph 75 of its resolution 65/247, decided to defer until its sixty-sixth session consideration of the proposal of the Secretary-General to amend the Staff Regulations.

II. Personal conflict of interest

A. Definitions and types of conflict of interest

4. Risks of conflict of interest can generally be found at two levels: (a) as organizational conflict of interest; and (b) as personal conflict of interest. An organizational conflict of interest arises where, because of other activities or relationships, an organization is unable to render impartial services, the organization's objectivity in performing mandated work is or might be impaired, or the organization has an unfair competitive advantage. A personal conflict of interest may generally be understood as a situation where a person's private interests interfere or may be perceived to interfere with his/her performance of official duties. The present report focuses on personal conflict of interest, in accordance with the emphasis on this subject matter in the request by the General Assembly in its resolution 65/247.

5. In general, the need to address and manage conflict of interest results from a risk assessment of staff members' potential exposure to competing interests through their work and status as United Nations officials. Certain functional areas, such as procurement, may provide greater potential for exposure to possible conflict of interest. However, other types of conflict of interest result from the risks inherent in

all functions of an international civil servant, independent of any particular authority or position held by the staff member.

6. The definition of conflict of interest in the Staff Rules and Regulations stems, in essence, from the written declaration (also referred to as the "Oath of Office") mandated for all staff members under staff regulation 1.1 (b) (see ST/SGB/2011/1):

> I solemnly declare and promise to exercise in all loyalty, discretion and conscience the functions entrusted to me as an international civil servant of the United Nations, to discharge these functions and regulate my conduct with the interests of the United Nations only in view, and not to seek or accept instructions in regard to the performance of my duties from any Government or other source external to the Organization.

7. This declaration sets forth the principle that the interests of the Organization not only prevail over all other interests, but are to be the only interests a staff member should consider when discharging his or her functions.

8. The current regulatory framework (specifically the Staff Rules and Staff Regulations, Secretary-General's bulletins, administrative instructions and other relevant administrative issuances as well as the Standards of conduct for the international civil service of 2001 (see A/56/30, annex II),[1] addressed in greater detail below) includes provisions governing actual or potential conflicts of interest arising from financial interests, personal relationships between staff members and other stakeholders, the receipt of honours, decorations, favours, gifts or remuneration by third parties, as well as parameters addressing conflicting loyalties that may result from outside employment or occupation or other outside activities, including political activities.

9. Staff regulation 1.2 (m) defines conflict of interest as follows:

> Staff members shall not be actively associated with the management of, or hold a financial interest in, any profit-making, business or other concern, if it were possible for the staff member or the profit-making, business or other concern to benefit from such association or financial interest by reason of his or her position with the United Nations

Staff rule 1.2 (p) provides that:

> A staff member who has occasion to deal in his or her official capacity with any matter involving a profit-making business or other concern, including a concern in which he or she holds a financial interest, directly or indirectly, shall disclose that interest to the Secretary-General and, except as otherwise authorized by the Secretary-General, either dispose of that financial interest or formally excuse himself or herself from participating with regard to any involvement in that matter which might give rise to the conflict of interest situation.

10. The experience of the Secretariat and that of some United Nations funds and programmes, as well as of other public international organizations has identified, by and large, the following situations as commonly posing potential conflict of interest:

[1] The Standards of conduct for the international civil service serve to assist the Organization and its staff members in interpreting the Charter of the United Nations and the Staff Rules and Regulations. Regarding conflicts of interest, see, in particular, paras. 21 and 22.

(a) Improper use of one's official position with the United Nations when interacting with a business or entity with which one is affiliated;

(b) Receipt of supplemental income (e.g. housing, per diem payments, reimbursement of travel or entertainment expenses, remuneration) from an external source;

(c) Receipt of gifts, favours or hospitality from external sources (e.g. governmental, non-governmental, vendor or contractor);

(d) Exchange of gifts, favours, financial transactions or hospitality between staff (including between different hierarchical levels);

(e) Receipt of honours, decorations, or awards from external sources (governmental, non-governmental, academic institutions, clubs and associations);

(f) Employment of spouse, child or other relative or close personal friend by an entity associated with the United Nations;

(g) Supervisory or managerial relationship over a relative or close personal friend;

(h) Taking instructions from sources external to the Organization (e.g. from a governmental or non-governmental entity, vendor);

(i) Leadership, policymaking or advisory role in external entities (e.g. a governmental or other political role, corporate or for-profit board, not-for-profit board, advisory committee, etc.);

(j) Service on an academic or scientific committee or panel;

(k) Misuse of insider or market sensitive information;

(l) Leak of confidential United Nations information;

(m) Misuse of United Nations information (e.g. using United Nations information for personal purposes or gain);

(n) Misuse of official position for personal gain;

(o) Offer of employment by another entity affiliated with the Organization (e.g. current contractor, implementing partner, including non-governmental organizations, government authority, etc.);

(p) Misuse of United Nations resources or assets (e.g., using United Nations property for personal purposes or gain);

(q) Rental property relationship between two staff members at different hierarchical levels in the same reporting line;

(r) Hiring of relatives or close personal friends;

(s) Accepting bribes for the performance or non-performance of an official function;

(t) Offering or paying bribes to other officials for the performance or non-performance of an official function.

B. Personal conflict of interest as addressed in the Secretariat's regulatory framework

11. The Secretariat's regulatory framework addresses specific instances of personal conflict of interest. It should be noted that some conflict situations may fall under several of these regulated instances at the same time. For example, holding a management position in an entity that has contractual relations with the United Nations may qualify as an outside activity requiring prior approval by the Secretary-General under staff regulation 1.2 (o), as well as holding a financial or other interest in a profit-making or other concern under staff regulation 1.2 (m). Below are some of the conflicts addressed expressly in the regulations, rules and implementing policy documents.

1. General and financial conflict of interest

12. Staff regulation 1.2 (m) and (n) as well as staff rule 1.2 (p) provide definitions under the broad subject title "Conflict of interest" although contextually, the definitions refer primarily, although not exclusively, to financial conflict of interest.

13. These definitions anticipate that certain financial interests pose, or may pose, a personal conflict of interest for staff members. The wording "if it were possible" as in staff regulation 1.2 (m) means that even the mere potential for conflicting interests suffices to require mandatory disposal of the interest or recusal from participation in further involvement in a particular matter by the relevant staff member. In addition, the wording "profit-making, business or other concern" in the same regulation is meant to include interests not only in a for-profit business enterprise but also any interest held in a not-for-profit[2] venture, since an interest in either venture may pose a conflict of interest for a staff member.

14. Interests may also include situations of close personal relationships between staff members and others who could unduly benefit from the staff member's employment with the United Nations. This would include, for example, participation in procurement activities where the vendor is a personal friend of the staff member or close family member.

2. Gifts, honours, awards, favours or remuneration

15. Staff regulation 1.2 (j) to (l) and staff rule 1.2 (k) to (o) address the receipt of honours, decorations, favours, gifts or remuneration.

16. Details on reporting, retaining and disposing of honours, decorations, favours, gifts or remuneration from governmental and non-governmental sources are stipulated in administrative instruction ST/AI/2010/1.

17. These regulations, rules and the implementing administrative instruction aim to ensure that staff do not receive any gifts or other incentives that may contribute to the staff member taking — or being perceived as taking — actions due to improper motives. They further ensure that staff members maintain their independence and impartiality in the performance of official duties and responsibilities. Pursuant to the "Oath of Office", staff members must, in the performance of their functions, consider the interests of the Organization only. Therefore, receiving gifts, honours

[2] See ST/SGB/2002/13, annex IV, para. 1 of the commentary on "Conflict of interest".

or other tokens of appreciation may, depending on the circumstances, have an impact on the staff member's independence and impartiality, as they can create a conflict of loyalties or raise expectations from the donor of the gift. In order to protect reputational assets, the Standards of conduct for the international civil service emphasize the importance of having to avoid even the appearance of impropriety (see A/56/30, annex II, paras. 46 and 47). So while a gift might have been given without further underlying intentions, it may not be perceived as such by others. Consequently, the Staff Regulations make it clear that gifts from Governments are prohibited and may not be accepted by staff members. The receipt of honours, decorations, favours, gifts or remuneration from Governments and governmental sources is prohibited under staff regulation 1.2 (j) and under the implementing administrative instruction (see ST/AI/2010/1, para. 3.3). The only exception is a situation where there is another interest of the Organization at stake; namely, where acceptance is necessary to avoid embarrassment in particular circumstances.

18. The receipt of honours, decorations, favours, gifts or remuneration from non-governmental sources is permitted with the prior approval of the Secretary-General under staff regulation 1.2 (l). Approval is only granted in exceptional cases, where it would not be incompatible with the interests of the Organization nor with a staff member's status as an international civil servant. If circumstances do not allow prior approval, or if refusing acceptance would cause embarrassment to the Organization, staff members are permitted to take receipt on behalf of the Organization provided that the gift is duly reported and returned to the Secretary-General. Accepting gifts outside those parameters may not only be seen as a conflict of interest but, in some instances, amount to corruption, with potentially serious consequences for the staff member (see also para. 32 of the present report).

19. Staff rule 1.2 (o) further stipulates that "Staff members shall not accept any gift, remuneration or favour from any source having or seeking to have any type of contractual relationship with the Organization". There is no possibility of an exception or approval in such cases.

20. In addition, staff rule 1.2 (j) prohibits staff members from offering or promising gifts, favours or any other personal benefit to other staff members or to third parties when such an offer or promise is made "with a view to causing him or her to perform, fail to perform or delay the performance of any official act". No exception is possible under such circumstances, as such a direct link between incentive and performance of an official act constitutes an act of bribery.

3. Outside occupation or employment and outside activities, including political activities

21. Staff regulation 1.2 (o) and (p) addresses conflicts of interest that arise from the exercise of outside activities by United Nations staff members. Staff rule 1.2 (r) to (u) clarifies this further and distinguishes between outside occupation or employment or activities that do not relate to the interests of the United Nations, and activities that do, including political activities. Each of these situations poses distinct potential for conflict of interest. Therefore, any outside occupation, employment or activity requires prior approval by the Secretary-General. Where the envisaged activity is not compatible with the status of an international civil servant, it cannot be approved, regardless of circumstances.

22. Engaging in outside occupation or employment may result in staff dedicating their work-time — or even time meant for rest and recuperation — to such employment, rendering their services with the United Nations less efficient or even creating conflicting loyalties, as the staff member may be drawn to dedicate more resources to the outside employment. In this regard, paragraph 41 of the Standards of conduct provides that:

> The primary obligation of international civil servants is to devote their energies to the work of their organizations. It is therefore improper for international civil servants to engage, without prior authorization, in any outside activity, whether remunerated or not, that interferes with that obligation or is incompatible with their status or conflicts with the interests of the organization.

23. Engaging in activities that may relate to United Nations interests may include activities that are not part of the staff member's official duties but relate to the United Nations' goals, objectives, mandate, benefit or other interests. Examples of such activities include public appearances (speaking engagements, interviews, participation in expert working groups) and publications. Such activities may cause concern if the personal views of a staff member are perceived to be those of the Organization.

24. In order to mitigate the risks above, approval is required for any outside occupation, employment or activity. The approval process is set forth in administrative instruction ST/AI/2000/13. While under certain conditions, outside activities are permitted, section 2 of the administrative instruction provides that staff members engaging in outside activities authorized under the instruction should make clear to the organizers and participants in such activities, including any employers, that they act in their personal capacity and not as representatives of the United Nations. This serves to distinguish service with the Organization from any outside activities in order to protect the interests of the United Nations, including its privileges and immunities. Permission is usually granted for activities limited in time and scope.

25. In accordance with paragraph 5.1 of the administrative instruction, staff members may engage in private non-remunerated activities for social or charitable purposes that have no relation to the United Nations or a staff member's official functions and take place outside working hours or while the staff member is on leave. This can be done at their discretion without having to obtain prior approval. However, staff members are required to ensure that every activity is and remains compatible with their status as an international civil servant.

26. Political activities are more strictly regulated than activities for social or charitable purposes. Such activities are by definition incompatible with the status of an international civil servant, who is expected to be objective, impartial and not accept instructions from governmental or other sources. The Standards of conduct reiterate the principles contained in the Staff Regulations and Rules as follows (see A/56/30, annex II, para. 44):

> In view of the independence and impartiality that they must maintain, international civil servants, while retaining the right to vote, should not participate in political activities, such as standing for or holding local or national political office. This does not, however, preclude participation in local

community or civic activities, provided that such participation is consistent with the oath of service in the United Nations system. It is necessary for international civil servants to exercise discretion in their support for a political party or campaign, and they should not accept or solicit funds, write articles or make public speeches or make statements to the press.

27. The principles governing political activities of staff are further reflected in paragraphs 5.3 to 5.5 of the administrative instruction (ST/AI/2000/13), which also clarify that any candidature or appointment to a political office is not permitted, as it may have an impact on the expected impartiality and independence of international civil servants.

4. Personal relationships

28. Some personal relationships between staff members and other persons may have the potential to affect the staff member's impartial and objective performance of official functions, because of conflicting interests between loyalty to the other person and to the United Nations. Staff rule 4.7 expressly addresses such relationships in the context of the recruitment and appointment of staff members by prohibiting the recruitment of first degree relatives of staff members. The employment of spouses is, however, permitted under certain circumstances, as a necessary support effort to staff who are expected to be mobile for the Organization. Details on permissible employment of spouses are addressed in administrative instruction ST/AI/273.

5. Conflict of interest and the financial disclosure programme

29. The financial disclosure programme began in 1999. In 2006, with the issuance of Secretary-General's bulletin ST/SGB/2006/6, it was primarily expanded to include staff members at the D-1 level and above. The obligation is enshrined in staff regulation 1.2 (n). The primary goal of the financial disclosure programme is to manage risks facing the United Nations, including its staff, and protect its reputation and interests. As such, the programme seeks to ensure that potential conflicts of interest arising from staff members' private holdings, affiliations or activities can be identified, mitigated and managed in the best interests of the Organization. The Ethics Office administers the programme (see ST/SGB/2005/22). Pursuant to General Assembly resolution 60/254, the review of financial disclosure statements is at this time outsourced to an external party. In its resolution 62/236, the Assembly endorsed the recommendation, contained in the report of the Advisory Committee on Administrative and Budgetary Questions (see A/62/7, chap. II, para. I.17) that the Secretary-General be requested to conduct an in-depth analysis of the relative advantages and disadvantages, including costs, of conducting the financial disclosure review in-house as compared to the outsourcing arrangements.

30. The financial disclosure programme is designed to help staff members recognize, detect and remedy financial conflicts of interest only and it does not, therefore, address all personal conflicts of interest. The programme focuses on financial conflicts of interest that may arise when a staff member is tasked to take decisions on behalf of the United Nations that may conflict with the individual's interests, such as personal financial assets or liabilities. The financial disclosure obligation assists in identifying conflicts of interest, which, in turn, leads to more

effective management of such conflicts (see section IV below) and the protection of the Organization's interests, including the reputational assets.

III. Legal aspects

31. Apart from the areas addressed through the regulatory framework, there are a number of additional legal aspects related to conflict of interest and the management thereof.

A. Disciplinary proceedings

32. Instruments are available to intervene where a conflict of interest has been identified. Failure to disclose an actual or potential conflict of interest constitutes a violation of the Organization's regulations, rules or other administrative issuances. In accordance with chapter X of the Staff Rules, such action may amount to misconduct (see rule 10.1 (a)), warranting disciplinary measures to be imposed on the concerned staff member. Such measures range from a written censure to dismissal. The Secretary-General publishes an annual information circular on the "Practice of the Secretary-General in disciplinary matters and possible criminal behaviour", which regularly includes cases of conflict of interest.

B. Referrals to national authorities

33. In cases where staff members are involved in conflict of interest situations that include potential criminal wrongdoing, the Organization may refer the case to the relevant Member States for possible further investigation and criminal prosecution. This includes, for example, cases involving fraud, corruption or bribery. Referrals are made under General Assembly resolution 62/63, pursuant to which the Secretary-General has an obligation "to bring credible allegations that reveal that a crime may have been committed by United Nations officials and experts on mission to the attention of the States against whose nationals such allegations are made". Referrals are also made on the basis of recommendations from the Organization's investigative entities. Once a matter is referred by the Organization to the relevant Permanent Mission to the United Nations, any further action with respect to investigation and criminal prosecution is a matter for the discretion of the national law enforcement authorities.

C. Post-employment restrictions

34. The Secretary-General has imposed a number of post-employment restrictions to limit potential personal conflicts of interest that may arise when vendors or other third parties promise incentives to a staff member in active service (e.g. employment or other benefits once the staff member separates from service) (see ST/SGB/2006/15), particularly for staff working in procurement-related functions.[3] These restrictions apply for specified periods of time depending on the exact type of

[3] See also cross references to ST/SGB/2006/15 in the Procurement Manual.

post-employment activity following separation from service with the Organization (see ST/SGB/2006/15, sect. 2.1).

D. Procurement procedures

35. Staff members facing conflict of interest when engaging in procurement-related activities may, when such conflicts are not properly addressed and managed, compromise or corrupt a procurement exercise. This may require the review of such exercise or even the cancellation of the exercise and initiation of a new exercise at great resource costs for the Organization, participating vendors and ultimately, for the reputation of the United Nations. The Organization may even be exposed to financial liability vis-à-vis aggrieved vendors.

IV. Management and mitigation of conflict of interest

36. The management of conflict of interest, which includes mitigation thereof, can be structured, from an organizational point of view, in a three-step approach:

(a) Robust framework;

(b) Identification or review of conflicts of interest;

(c) Remedial measures.

A. Robust framework

37. A robust framework such as the Standards of conduct of the international civil service, or a code of ethics setting forth the expected conduct of staff members, including as far as possible details on what constitutes acceptable and unacceptable situations or where approval is required, is a key element in managing and mitigating potential conflicts of interest. It raises awareness among staff, usually leading to a decrease in unwanted situations. It also provides the basis for necessary actions to be taken against staff members, such as disciplinary measures for failure to abide by such standards. The financial disclosure programme is an example of such a framework and assists in managing and mitigating financial conflicts of interest.

B. Identification or review of conflicts of interest

38. Effective management requires knowledge of the situation that may pose a conflict. Disclosure by a staff member of such situations, meaning generally informing the Organization at the appropriate managerial level, enables the Organization to consider all circumstances and take appropriate action. The administration is in a position to review such risks only when situations are brought to its attention, which is the case, for example, under the financial disclosure programme.

39. Under the current financial disclosure programme, financial disclosure or declaration of interest statements filed annually by staff at the D-1 level and above, as well as certain other staff members, are reviewed for potential risks of personal

conflict of interest. The obligation of such staff members to file such statements is set forth in staff regulation 1.2 (n). Financial disclosures are filed using the forms designed for that purpose under procedures established through ST/SGB/2006/6. The questionnaire is not limited to interests held by the staff member, but includes questions on interests and assets held by a staff member's spouse or dependent children to ensure that at least some third-party interests are sufficiently covered in the staff member's declaration(s).

40. The reviewer examines the staff member's disclosure statement in relation to his/her private interests, including assets and liabilities, profit on sale of personal property, stock options, income, supplements, gifts, reimbursements, per diem and travel expenses, family relations as they relate to the Organization, outside leadership or policymaking roles, and other outside activities. These private interests, holdings and affiliations are analysed in connection with the staff member's official duties and responsibilities, in order to identify potential personal conflicts of interest.

41. Where a potential conflict of interest is detected, relevant facts and further information are gathered. Filing staff members may be requested to provide additional information for the review, as appropriate, until disclosure is considered full and complete. The reviewer also identifies concerned stakeholders and assesses the possible impact of the situation and the risks involved. On the basis of that analysis, the reviewer will subsequently provide advice and remedial measures to the concerned staff member on how to mitigate and manage the conflict of interest, in the best interests of the United Nations.

C. Remedial measures

42. There are several means of managing conflicts of interest in the best interests of the Organization, which usually depend on the particular situation. Remedial measures vary depending on the nature and complexity of a conflict. Such measures include, but are not limited to (a) recusal or removal; (b) a freeze on personal investments; (c) placement of an asset into independent third-party management; (d) non-disclosure of privileged information; (e) non-involvement in representational or fund-raising activities of an outside entity; (f) an instruction to discard the interest in the external concern; and (g) changes in reporting lines.

43. Recusal and removal refer to ensuring that a staff member who finds himself or herself in a possible conflict of interest situation is removed from that situation. The staff member either proactively recuses himself or herself from further participation in the process (in which case he/she is required to inform his/her supervisor and the Ethics Office) or the Organization instructs his or her removal. For example, where a staff member's spouse has applied for a post and the staff member is requested to participate in the interview process and discloses his/her relationship to the panel, the staff member could either recuse himself/herself from any involvement in the selection process or he/she is removed by the Organization from such process. A further example is where it comes to light that a procurement officer is related to a vendor. The procurement officer may recuse himself/herself from any dealings with such vendor or the Organization, as a first step, may remove the staff member from any interaction with that vendor (see ST/SGB/2006/15, sect. 2.3).

44. Other remedial measures are usually recommended by the Ethics Office upon disclosure or identification of a conflict of interest, or initiated through the appropriate supervisory levels. Where the staff member refuses to resolve the identified conflict of interest, further administrative or disciplinary measures may be invoked, depending on the circumstances.

V. Conclusion

45. The potential for personal conflict of interest is a fact of modern organizational life, in which staff members' lives are complex, with multiple employment experiences and networks of relationships, both within and outside of the Organization. The potential for conflict of interest is equally dynamic and evolves with the complexity of the Organization's staffing, mandates and activities. The current regulatory framework addresses a wide range of personal conflicts of interest. The financial disclosure programme focuses mainly on potential financial conflicts of interest and is complemented through established schemes addressing regulated types of conflict of interest. For example, as a matter of proactive monitoring, staff members are required to request permission before engaging in outside employment or activities, before receiving gifts, remuneration, favours or awards, and must disclose whether their relatives are working for the United Nations. These established procedures complement the annual disclosure by certain categories of staff of their financial assets and interests.

46. Where personal conflicts of interest are not disclosed under the financial disclosure programme or other schemes, however, the Organization remains subject to potential liabilities and reputational risks. A failure to disclose a conflict of interest may be addressed retroactively with the staff member through administrative and disciplinary measures, but the damage to the reputation of the Organization may be irreparable. Therefore, the Organization continues to assist and encourage staff, including managers, to identify and disclose potential conflicts of interest so that they can be appropriately addressed and resolved in the best interest of the Organization. Proactive rather than retroactive measures are the preferred method of resolution.

47. The Secretary-General is continuously reviewing whether the established mechanisms designed to identify and manage personal conflict of interest serve the contemporary needs of the United Nations as a forward-looking Organization. The Secretary-General remains fully committed to ensuring that in the exercise of their functions and conduct in general, United Nations staff members are acting beyond reproach at all times.

48. **The General Assembly is requested to take note of the present report.**

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Sixty-sixth session
Item 29 of the preliminary list*
Advancement of women

Status of the Convention on the Elimination of All Forms of Discrimination against Women

Report of the Secretary-General

Summary

The present report is submitted in compliance with General Assembly resolution 64/138 on the Convention on the Elimination of All Forms of Discrimination against Women, in which the Assembly requested the Secretary-General to submit to it at its sixty-sixth session a report on the status of the Convention and the implementation of the resolution. It covers the period from 24 August 2009 to 1 July 2011.

* A/66/50.

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I. Status of the Convention on the Elimination of All Forms of Discrimination against Women

1. The Convention on the Elimination of All Forms of Discrimination against Women was adopted by the General Assembly in its resolution 34/180. It was opened for signature, subject to ratification and for accession at United Nations Headquarters on 1 March 1980 and, in accordance with article 27 of the Convention, entered into force on 3 September 1981.

2. As at 1 July 2011, 187 States had ratified, acceded to or succeeded to the Convention, which reflects no change since the previous report (A/64/342). The list of States parties to the Convention and the dates of deposit of their instruments of ratification, accession or succession to the Convention are available from the website of the Treaty Section of the Office of Legal Affairs (http://treaties.un.org), along with all declarations, reservations, objections and other relevant information.

3. As at 1 July 2011, 63 States parties had deposited with the Secretary-General instruments of acceptance of the amendment to article 20, paragraph 1, of the Convention, which relates to the meeting time of the Committee. The eight countries accepting the amendment since the submission of the previous report were Albania, Bulgaria, Kuwait, Morocco, Nauru, Poland, Singapore and Spain. The list of States that have accepted the amendment to article 20 of the Convention and the dates of deposit of their instruments of acceptance are available on the website of the Treaty Section.

4. During the reporting period, objections to reservations made by Qatar upon accession were received from the Czech Republic (C.N.815.2009), Estonia (C.N.245.2010), Finland (C.N.248.2010), Ireland (C.N.247.2010), Poland (C.N.256.2010), the Netherlands (C.N.252.2010), Norway (C.N.251.2010), Spain (C.N.825.2009) and Sweden (C.N.259.2010). With respect to the reservations made by Qatar upon accession, communications were received from Mexico (C.N.264.2010) and Portugal (C.N.260.2010). During the reporting period the following States withdrew their reservations: Bahamas (C.N.82.2011), Malaysia (C.N.472.2010), Maldives (C.N.195.2010) and Morocco (C.N.176.2011). The above depositary notifications are available from the website of the Office of Legal Affairs for reference.

II. Status of the Optional Protocol to the Convention

5. By its resolution 54/4, the General Assembly adopted the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. The Optional Protocol was opened for signature, subject to ratification and accession at United Nations Headquarters on 10 December 1999 and, in accordance with article 16, paragraph 1, entered into force on 22 December 2000.

6. As at 1 July 2011, 102 States parties had ratified, acceded or succeeded to the Optional Protocol. This represents an increase of four States parties since the submission of the previous report. Those four States parties are: Cambodia, on 13 October 2010; Equatorial Guinea, on 16 October 2009; Guinea-Bissau, on 5 August 2009; and Seychelles, on 1 March 2011. The list of States parties to the Optional Protocol, the dates of deposit of their instruments of ratification, accession or succession, and all

declarations, reservations and other relevant information are also available from the website of the Treaty Section.

III. Committee on the Elimination of Discrimination against Women

A. Substantive and technical servicing

7. The Office of the United Nations High Commissioner for Human Rights (OHCHR) has responsibility for supporting the work of the Committee on the Elimination of Discrimination against Women. The Committee is serviced by the secretariat of the Committee, which comprises the Secretary (P-4), three Human Rights Officers (P-3), one Associate Human Rights Officer (P-2) and one Assistant (General Service).

8. The United Nations High Commissioner for Human Rights has ensured that the strong links between the Committee and the intergovernmental machinery responsible for the promotion of gender equality continue to be maintained. The Chair of the Committee participated in the fifty-fourth and fifty-fifth sessions of the Commission on the Status of Women, in 2010 and 2011, and participated, with other members, in various side events. The Chair also addressed the Third Committee of the General Assembly at its sixty-fourth and sixty-fifth sessions. The Committee's interaction with the United Nations human rights machinery is extremely important for its overall activities, and the Committee benefits greatly from the cooperation of the relevant stakeholders to effectively discharge its mandate.

9. The Committee has taken a consistent interest in the question of the reform of the United Nations gender equality architecture. Prior to the establishment of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), the Special Adviser on Gender Issues and Advancement of Women, the Executive Director of the United Nations Development Fund for Women (UNIFEM) and the Director of the Division for the Advancement of Women regularly briefed the Committee on that and other matters. In addition, UNIFEM held a dialogue with the Committee at its forty-sixth session, held in New York in 2010, on the theme of implementing the Committee's general recommendation on women migrants.

10. Following the establishment of UN-Women, the Committee adopted a statement welcoming the establishment of the new entity and sent a congratulatory letter to its Executive Director. The Chair and members of the Committee also met with the Executive Director on 22 February 2011 to discuss issues of common concern and ways to establish an effective framework for future collaboration and coordination with a view to increasing awareness of the Convention and furthering progress in achieving gender equality and the advancement of women. The Committee also provided input to the UN-Women strategic plan, which integrates the Convention and complements and supports the work of the Committee. The Committee is currently collaborating with UN-Women on two of its draft general recommendations, and UN-Women regularly invites experts from the Committee to participate in expert group meetings and side events convened in conjunction with intergovernmental processes.

11. The Committee has taken full advantage of the opportunities provided by OHCHR, interacting regularly with the United Nations High Commissioner for Human Rights, the Deputy High Commissioner and other senior staff, and has welcomed opportunities for discussion with relevant divisions, branches and sections on issues relevant to the work of the Committee.

12. The Committee meets regularly with special procedures mandate holders, usually at each session, including, during the reporting period, the Special Rapporteur on violence against women, its causes and consequences; the Independent Expert in the field of cultural rights; and the Special Rapporteur on the human rights of internally displaced persons.

13. The Committee continued to contribute actively to the work of the human rights treaty bodies, especially within the framework of the annual meetings of chairs of treaty bodies and the inter-committee meeting. The Chair and designated members of the Committee participated in the twenty-second and twenty-third meetings of chairs of human rights treaty bodies, which were convened on 1 and 2 July 2010 and 30 June and 1 July 2011, respectively. Committee members also attended the tenth, eleventh and twelfth inter-committee meetings of human rights treaty bodies, which were convened from 30 November to 2 December 2009, from 28 to 30 June 2010 and from 27 to 29 June 2011, respectively. In addition, the inter-committee meeting working group on follow-up to concluding observations, inquiries, visits and decisions met from 12 to 14 January 2011.

14. Representatives of the Committee also participated in meetings with regional partners, including the European Union, the Council of Europe and the French Parliament. Committee members participated in panel discussions held during sessions of the Human Rights Council, and one member participated in a panel discussion organized by the Committee on Economic, Social and Cultural Rights. The Committee's working group on the joint general comment/recommendation on harmful practices met with the respective working group of the Committee on the Rights of the Child to further discuss the scope and outline of the joint general comment/recommendation on harmful practices. Moreover, both Committees met to discuss the general joint comment/recommendation as well as other issues of common concern. Committee members also participated in various panel discussions organized by other stakeholders, including the Forum on Minority Issues, the Social Forum, the Inter-Parliamentary Union (IPU), and the Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action.

15. Building on its statement entitled "Towards a harmonized and integrated human rights treaty bodies system" (A/61/38, Part 2, annex I), adopted at its thirty-fifth session, the Committee has sought, where appropriate, to harmonize its working methods with other treaty bodies. Following the practice of other treaty bodies, it also introduced a procedure to follow up its recommendations in its concluding observations. The Committee now generally identifies two concerns in its concluding observations, requiring priority action on which it requests information from the State party within one to two years. The procedure provides a context in which the Committee can maintain close dialogue with States parties on urgent issues in order to assist them in implementing their treaty obligations under the Convention. The Committee is also reviewing the format, content and length of concluding observations with a view to achieving greater efficiency and impact. The

Committee has aligned its practice with respect to the release date of its concluding observations with that of the other Committees, which strive to release the advanced, unedited versions of the concluding observations, as adopted, on the last day of the session. The Committee has also established a task force on working methods that will greatly assist it in reviewing its working practices, including in the light of the practice of other human rights treaty bodies, and recommendations stemming from the treaty-body strengthening process.

B. Evaluation by the Committee

16. As a result of intensive follow-up efforts by the Committee with respect to 15 States with long-overdue reports, all but 3 States have submitted their reports. Those reports have been considered by the Committee or are scheduled to be considered at upcoming sessions. The three States that have not yet submitted their long-overdue reports, Central African Republic, Comoros and Seychelles, have been scheduled to be considered by the Committee in the absence of their reports. The Committee continues to schedule the reports of 24 States parties for review each year. The Committee has scheduled 32 States to be considered at its fiftieth session (October 2011), fifty-first session (February/March 2012), fifty-second session (July 2012) and fifty-third session (October 2012). Fourteen reports have not yet been formally scheduled. The Committee is aware that it has a slight backlog and is discussing ways to address it. The consideration of combined reports assists greatly in keeping the backlog in check. Most reports submitted consist of combined reports.

17. The Committee is gratified that it continues to attract a wide following within the United Nations system and civil society, including national human rights institutions and non-governmental organizations, and that it has been able to interact with the wider human rights framework, including the Human Rights Council, the special procedures mandate holders and other treaty bodies. Its transfer to OHCHR and the holding of sessions in Geneva have enabled the Committee to interact regularly with the High Commissioner for Human Rights and to develop close relationships with Geneva-based United Nations entities and other bodies, such as IPU.

18. The Committee considers that it has made strong efforts to harmonize its practices with those of other treaty bodies. It was one of the first treaty bodies to finalize the treaty-specific reporting guidelines used with the guidelines for the common core document, which are now being implemented by States parties in the context of treaty body reform. It has harmonized its terminology with other treaty bodies and has sought to make its concluding observations more detailed, country-specific and action-oriented. The introduction of headings has made the concluding observations more user-friendly and easier to implement, as national line ministries are able to identify more easily the concerns and recommendations of most relevance to them. The Committee has sought to prioritize and focus on both its concerns and recommendations, and has implemented a bullet format for ease of identifying recommendations in its concluding observations. The Committee also considers that its follow-up procedure, which is based on that of other treaty bodies, has strengthened implementation at the national level.

19. The Committee believes that it has maintained and deepened its relationship with the United Nations mechanisms concerned with the advancement of women, while strengthening its links with the human rights machinery. It believes this has

been facilitated by the fact that it meets once annually at United Nations Headquarters in New York, since this allows it to have regular interaction with UN-Women, the United Nations Children's Fund (UNICEF) and the United Nations Population Fund (UNFPA), as well as the many United States-based non-governmental organizations that focus on women's issues. The Committee considers that its annual sessions in New York have helped it to maintain its relationship with the Commission on the Status of Women and ensure its ongoing participation in the development activities of the United Nations and in discussions on women, peace and security.

Fulfilment by States parties of reporting obligations

20. Article 18, paragraph 1, of the Convention provides that States parties undertake to submit reports on the implementation of the Convention within one year after its entry into force for the State concerned and thereafter at least every four years and further whenever the Committee so requests.

21. Between 15 August 2009 and 1 July 2011, the Secretary-General received the reports (many of which are combined reports) from the following States parties: Andorra, Angola, Austria, Bangladesh, Benin, Bosnia and Herzegovina, Brazil, Bulgaria, Cambodia, Cape Verde, Chad, Chile, Congo, Costa Rica, Côte d'Ivoire (initial report), Cuba, Cyprus, Djibouti (initial report), Equatorial Guinea, Greece, Grenada (initial report), Guyana, Indonesia, Italy, Jamaica, Jordan, Kuwait, Lesotho, Mauritius, Mexico, Montenegro (initial report), Nepal, New Zealand, Norway, Oman (initial report), Pakistan, Paraguay, Peru, Republic of Korea, Samoa, Serbia, Sri Lanka, the former Yugoslav Republic of Macedonia, Togo, Turkey, Turkmenistan, United Kingdom of Great Britain and Northern Ireland, Zambia and Zimbabwe.

22. During the reporting period, the Committee held the following four sessions: forty-fifth session, from 18 January to 5 February 2010; forty-sixth session, from 12 to 30 July 2010; forty-seventh session, from 4 to 22 October 2010; and forty-eighth session, from 17 January to 4 February 2011. During those sessions, the Committee considered the reports of 27 States parties and 1 exceptional report. The forty-ninth session will be held from 11 to 29 July 2011, at which an additional eight reports will be considered by the Committee.

Reports awaiting consideration, overdue reports and requests for follow-up reports

23. A total of 46 reports submitted by States parties have yet to be considered by the Committee, 32 of which have been scheduled to be considered at upcoming sessions of the Committee through the end of 2012. Fourteen reports have not yet been formally scheduled.

24. In the light of the reduced backlog of reports awaiting consideration, the Committee initiated a systematic effort to encourage States parties to submit long-overdue reports. On the basis of its decisions 29/I and 31/III (i), it established that it would proceed with consideration of the implementation of the Convention in the absence of a report only as a last resort and in the presence of a delegation. The Committee continued its practice of inviting States parties with long-overdue reports to submit all their overdue reports as a combined report. As a result of that initiative, of the 15 States identified as having long-overdue reports (more than 10 years overdue), 12 States parties submitted their reports, which have since been

considered or are scheduled for consideration. As a result of a decision taken by the Committee at its forty-fourth session, the Secretariat systematically reminds States parties whose reports are five years overdue or more to submit their reports as soon as possible.

25. Currently, the following States parties have not yet submitted their initial reports: Afghanistan, Central African Republic, Comoros, Dominica, Kiribati, Marshall Islands, Micronesia (Federated States of), Monaco, Qatar, San Marino, Sao Tome and Principe, Seychelles, Solomon Islands and Swaziland.

26. Reports that were due on or before 2005 include: Afghanistan, Antigua and Barbuda, Barbados, Central African Republic, Comoros, Dominica, Iraq, Micronesia (Federated States of), Saint Vincent and the Grenadines, Sao Tome and Principe, Senegal, Seychelles, Solomon Islands and Swaziland.

27. Reports that were due between 2006 and 2010 include those for: Benin, Bosnia and Herzegovina, Brunei Darussalam, China, Croatia, Cyprus, Democratic People's Republic of Korea, Democratic Republic of the Congo, Eritrea, Gabon, Gambia, Georgia, Ghana, Ireland, Latvia, Malaysia, Mali, Marshall Islands, Monaco, Philippines, Republic of Moldova, Romania, Saint Kitts and Nevis, Saint Lucia, San Marino, Trinidad and Tobago and Venezuela (Bolivarian Republic of).

C. Working methods of the Committee

28. Taking into account that the General Assembly is striving to limit the length of documentation, the Committee's report no longer includes the concluding observations on the reports of States parties or the decisions on communications; those are published as separate documents and are posted on the OHCHR website.

29. The Committee's overview of its working methods was updated to ensure that its working methods are readily accessible to States parties and others interested in the implementation of the Convention (see CEDAW/C/2009/II/4, annex). The overview is also available on the OHCHR website.

30. The Committee has continued to convene its pre-session working group two sessions in advance of the consideration of a report to ensure that States parties have enough time to respond to their respective lists of issues and questions

31. The Committee, in the last paragraph of its concluding observations, establishes the due date for the State party's next periodic report. In cases where the next periodic report is overdue or becomes due within a year of the date of consideration, the Committee requests the State party to submit its next report as a combined periodic report. Most reports considered by the Committee are now combined reports.

32. During the reporting period, the Committee focused on ensuring that the concluding observations on the reports of States parties were more user-friendly, concrete and precise, so that they could be implemented more easily at the national level. It should be recalled that at its forty-first session, the Committee decided to adopt the practice of inserting titles (subject headings) in its concluding observations, and agreed on a list of titles which would be applied flexibly and as appropriate for the State party concerned (A/63/38, Part two, annex X). At its forty-seventh session, the Committee decided to provide more focused concerns and

recommendations and introduced a more reader-friendly format for its recommendations, using bullets to highlight the recommendations of the Committee.

33. At its forty-first session, the Committee decided to introduce a follow-up procedure whereby it would include a request to individual States parties in the concluding observations for information on steps taken to implement specific recommendations. At its forty-fourth session, the Committee decided to appoint a rapporteur on follow-up to concluding observations and an alternate. It is noted that a maximum of two recommendations are identified for follow-up. The criteria for follow-up recommendations are that their lack of implementation would constitute a major obstacle to the implementation of the Convention and that implementation would be feasible within the suggested time frame. The follow-up report is also made public and is available on the website of OHCHR. Where possible, the follow-up rapporteur collaborates with the country rapporteur on the assessment of the follow-up report. The rapporteur reports to the Committee at each session, and that report is included in the Committee's report to the General Assembly. At the forty-sixth session, the Committee decided to extend the mandate of the rapporteur on follow-up and the alternate until 31 December 2012. At its forty-seventh session, the Committee decided to include follow-up to concluding observations as a standing item on the agenda.

34. The Committee continued its interaction with the specialized agencies and other bodies of the United Nations system that contribute to its work and support the full implementation of the Convention at the national level. It continued to benefit from joint information submitted on countries under consideration by United Nations country teams, and encouraged the entities of the United Nations system to expand this practice and, in particular, to make such information available to the Committee's pre-session working group and undertake follow-up activities on the basis of the Committee's concluding observations at the country level.

35. The Committee continued its practice of meeting informally with non-governmental organizations and national human rights institutions wishing to present country-specific information on States parties whose reports were before it, at the beginning of the first and second weeks of the session. The Committee's pre-session working group also provided opportunities for non-governmental organizations and national human rights institutions to present written and oral information. General and session-specific information notes for non-governmental organizations and national human rights organizations are regularly posted on the OHCHR website.

36. The Committee continued to emphasize the important role of parliamentarians in the implementation of the Convention and the follow-up to concluding observations and includes a standard paragraph on the role of parliaments in each observation. IPU regularly submits country-specific information on the implementation of the Convention in States parties and organizes regular capacity-building sessions for parliaments on the Convention and its Optional Protocol.

37. The Committee continued its practice of adopting statements on particular events or developments. Those include a statement on gender and climate change adopted at its forty-fourth session (A/65/38, Part one, annex II); statements on the situation in Haiti, the inclusion of Afghan women in the process of peacebuilding, security and reconstruction in Afghanistan, the 15-year review of the implementation of the Beijing Declaration and Platform for Action, its relationship

with non-governmental organizations and its relationship with parliamentarians, adopted at its forty-fifth session (A/65/38, Part two, annexes II through VI, respectively); a statement on the commemoration of the tenth anniversary of Security Council resolution 1325 (2000), adopted at its forty-sixth session (A/66/38, Part one, annex I); and a statement on the establishment of UN-Women, adopted at its forty-seventh session (A/66/38, Part two, annex V).

38. The Committee adopted at its forty-seventh session a general recommendation on the core obligations of States parties under article 2 of the Convention (ibid., annex III) and a general recommendation on older women and the protection of their human rights (ibid., annex IV). With respect to the joint general comment/recommendation on harmful practices, the Committee has agreed to an outline and the first draft is currently being prepared. The general recommendation on the economic consequences of marriage and its dissolution is in the process of being finalized. The Committee also decided to elaborate a general recommendation on women in armed conflict and post-conflict situations, as well as a general recommendation on access to justice at its forty-seventh and forty-eighth sessions, respectively. The Committee established a task force to study a working paper on gender equality in the context of displacement and statelessness at its forty-eighth session.

D. Working methods with regard to the Optional Protocol

39. During the reporting period, the Committee continued to carry out its activities under the Optional Protocol to the Convention. The Committee allocates one meeting per session to matters relating to the Optional Protocol for consideration in plenary meeting.

40. The Committee's Working Group on Communications under the Optional Protocol held five sessions during the reporting period. The Working Group on Communications convenes three times a year for a total of 10 working days. To date, the Working Group has registered 32 communications, 10 of which were registered during the reporting period. Out of the 32 communications, 15 remain open.

41. At its forty-fourth session, held in 2009, the Committee decided to revise its model communication form and adopted a fact sheet on the submission of individual communications. It also took action on communications No. 12/2007 and No. 13/2007, and registered two new cases as communications No. 21/2009 and No. 22/2009. The Committee did not have any information in follow-up to the views of the Committee to consider at that session. At its forty-fifth session, held in February 2010, the Committee considered information in follow-up to views of the Committee and decided to close its follow-up procedure in relation to communications No. 5/2005 and No. 6/2005. At its forty-sixth session, held in July 2010, the Committee decided to register a new case as communication No. 25/2010 and took action on communication No. 18/2008. At its forty-seventh session, held in October 2010, the Committee decided upon the admissibility of communication No. 19/2008 and decided to close its follow-up procedure in relation to communication No. 4/2004, as it was satisfied with the implementation of its recommendation. Follow-up to views on individual communications are summarized in the reports of the Committee to the General Assembly (A/65/38, Part one, annex XII, and A/66/38,

Part two, annex IX). Two requests for inquiries under article 8 of the Optional Protocol were also received by the Committee and registered by the Secretariat pursuant to the Rules of Procedure of the Committee. There are currently three inquiries pending with the Committee.

IV. Efforts to encourage universal ratification of the Convention and its Optional Protocol, and acceptance of the amendment to article 20, paragraph 1, of the Convention

42. The High Commissioner for Human Rights, the Special Adviser to the Secretary-General on Gender Issues and Advancement of Women, the Director of the Division for the Advancement of Women (prior to the establishment of UN-Women) and the Executive Director of UN-Women continue to encourage universal ratification of the Convention and the Optional Protocol and ensure acceptance of the amendment to article 20, paragraph 1, of the Convention, which stipulates the meeting time allocated to the Committee. They have encouraged related action in their meetings with delegations, in statements and presentations at United Nations Headquarters, at other duty stations, and at conferences and other forums.

V. Technical assistance provided to States parties

43. Technical assistance and capacity-building activities of OHCHR routinely focus on the Convention, including with respect to the preparation of reports and follow-up to concluding observations, as well as the mechanisms established under the Optional Protocol. During 2010 and 2011, national and regional capacity-building training seminars were organized by OHCHR on the human rights treaty body system, focusing in particular on reporting and follow-up to concluding observations of the Committee as well as other treaty bodies. Some of the seminars are organized with UN-Women as part of the joint workplan between the two entities. Training seminars were conducted in the Gambia, Indonesia, the former Yugoslav Republic of Macedonia, the United Republic of Tanzania and Viet Nam, involving not only Government officials but also other stakeholders, including non-governmental organizations, national human rights institutions and the media. Capacity-building is considered to be vital to assist States in the implementation of their treaty obligations. OHCHR could do more in that regard but is prevented from doing so by budgetary constraints.

44. Within the framework of its capacity-development programme and as part of its plan of action, UN-Women continues to extend technical assistance for the implementation of the Convention and the Beijing Declaration and Platform for Action, and for the implementation of and follow-up to the Committee's concluding observations at the request of States parties. During the reporting period, UN-Women organized a number of regional capacity-building training seminars, which benefited from the contributions of experts of the Committee.

VI. Dissemination of the Convention, its Optional Protocol and information on the work of the Committee

45. OHCHR maintains a page on the Convention and its Optional Protocol and the work of the Committee on its website. The text of the Convention and its Optional Protocol, reports of States parties, lists of issues and questions, responses from States parties, States parties' introductory statements and the composition of delegations presenting reports, the Committee's concluding observations and documents and any other information concerning the Convention, its Optional Protocol, the working methods of the Committee and the meetings of States parties are posted on the website. The Committee's concluding observations, views on communications, general recommendations and other output are also disseminated through the electronic mailing list administered by OHCHR. The Universal Human Rights Index, the electronic research tool maintained by OHCHR that indexes concluding observations of human rights treaty bodies and recommendations of special procedures mandate holders, includes all the outputs of the Committee. The training DVD entitled "The treaty bodies: bringing human rights home", which was updated in 2010, was produced to raise awareness and build capacities of the international human rights community. The DVD presents the work of the United Nations treaty bodies through the core human rights treaties and the corresponding treaty bodies, and is available in all six official languages of the United Nations.

VII. Conclusions and recommendations

46. The Committee has made significant efforts to reduce the delay between the submission of reports and their consideration, using efficient working methods, including time management, which it adjusts on the basis of experience. Its efforts to encourage States parties to comply with their reporting obligations, especially where reports are long overdue, have been successful. It has enhanced its interaction with stakeholders in the implementation of the Convention and has actively contributed to the common efforts of all treaty bodies to harmonize the human rights treaty body system, while adopting innovations appropriate to its work. The Committee has continued to develop its jurisprudence through its work under the Optional Protocol, and its follow-up procedure under this instrument has yielded positive results. It has adopted two general recommendations, of which one is nearing completion and with a good start having been made on the other. The Committee has also decided to elaborate two additional general recommendations, and a day of consultation is being organized for one such general recommendation during the forty-ninth session. The Committee is also working on making its concluding observations more focused, relevant and user-friendly. Follow-up to concluding observations has been mostly successful, although additional resources are required on the part of the Committee and the States concerned. Despite the Committee's achievements, it must make greater efforts to encourage the wider implementation of the Convention. Particular efforts are required with respect to the Optional Protocol, as few communications have been submitted.